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# A CANDID STATEMENT

## RESPECTING THE

### PHILADELPHIA COUNTY TICKET.

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THE act of the 15th of February, 1799, forms the basis of the general election laws of the commonwealth. It has however, been amended in several important particulars. It is our object, first to show, exactly what the law is, so far as it is applicable to the late elections, in the county of Philadelphia—and then to apply it to the facts of the case which are indisputable.

By the second section of the act of 1799, as amended by the act of 17th of March, 1806, "each and every town, township, ward or district, shall choose one inspector," on the Friday next preceding the first Tuesday in October, in each and every year; and, by the 4th section, the inspectors for each election district shall, on the morning of the day of election, take to their assistance not less than three, nor more than five, respectable citizens qualified to vote, who shall be judges of the election in such districts. This is the general rule. The city and incorporated districts of the county of Philadelphia are, by various subsequent acts, governed as follows:—The city is divided into fifteen wards; each ward elects two inspectors; and the inspectors of each ward choose a judge, making fifteen judges. The incorporated district of the Northern Liberties is divided into seven wards, each ward has two inspectors, and a majority of the fourteen inspectors appoints seven judges. The district of Spring Garden is divided into four wards; each ward elects two inspectors, and a majority of inspectors appoints the judges. The district of Kensington is divided into five wards; each ward elects two inspectors, and a majority appoints five judges. The district of Southwark is divided into five wards; each ward elects two inspectors; and the inspectors of each ward choose a judge, making five judges. The township of Moyamensing, has two inspectors, who choose four judges; and one inspector and two judges sit at one window, denominated "East Moyamensing;" and the other inspector, and two judges, sit at another window, denominated, "West Moyamensing." By the Registry Act of the 16th of June, 1835, the inspectors in the city and above named incorporated districts and townships, are elected at the

general election, and are required to be residents of the ward, district, or township, in which they are elected,—a separate count is to be made of such elections, and duplicate returns to be made of the same; one to be delivered to the Sheriff, who shall, within five days after the said election, cause the same to be published twice, in at least two of the daily papers of the city and county of Philadelphia; and the other to be deposited with the Commissioners of the county of Philadelphia.

The remaining twelve election districts of the county of Philadelphia, viz: Passyunk, Kingsessing, Blockley, Roxborough, Germantown, Bristol, Lower Dublin, Byberry and Moreland, Oxford, Unincorporated Northern Liberties, North Penn Township, South Penn Township, and West Philadelphia, are governed by the act of 1799, as to the election of inspectors, and the appointment of judges,—except that Germantown has two inspectors.

The inspectors, judges, and clerks, are either sworn or affirmed according to the act of 1799, and at the close of the judge's oath or affirmation, is the following clause:—

*“And that I will make a true and perfect return of the said election, and in all things truly, impartially, and faithfully perform my duty respecting the same, to the best of my judgement and abilities.”*

The County Commissioners are bound to cause to be delivered to the inspectors of the several election districts in the county, a sufficient number of blank forms, and returns, made out in a proper manner and headed as the nature of the election may require, under a penalty of fifty dollars on each commissioner, for any neglect thereof.

After describing the manner in which the tickets shall be received by the inspector, and deposited in the proper boxes, which are also to be provided by the County Commissioners, the act then provides “That when the polls shall be closed, the aforesaid boxes, wherein the folded papers or tickets are deposited, shall be opened, one by one, and the judges, in the presence of the inspectors, shall deliberately take out the said papers or tickets, and read aloud the name or names written or printed thereon respectively; whilst two or more of the clerks shall carefully enter and keep a count of the same on paper prepared for that purpose, so that the number of votes for each candidate tallied thereon may be readily cast up and known.”

By the 12th section of the same act, it is enacted, “That as soon as ALL THE VOTES SHALL BE READ OFF AND COUNTED, the judges of each district, in case the county be divided into districts, shall make out under their hands, a fair state or certificate of the number of votes which shall have been there given for each candidate, distinguishing the station or office he was voted for—which number shall be expressed in words at length, and not in figures only”—“and ONE of the said judges shall take charge of such certificate, and on the FOURTH [THIRD, being Friday, by act of 17th of March, 1806.] day after the election, produce the same [that is the certificate] in a MEETING of ONE JUDGE from each district within the same county at the Court House, AND FOR THE CITY AND COUNTY OF PHILADELPHIA AT THE STATE HOUSE—for which service he shall be allowed, out of the county treasury, ten cents for every mile he shall necessarily have travelled in coming from his proper election

district to the said Court House, and in returning from thence to his own home"—and THE JUDGES OF THE SEVERAL DISTRICTS OF THE COUNTY SO MET, shall add together the number of votes which shall appear to be given to any person or persons, *who shall thereupon be found to be highest in vote or elected as Representative, Senator, or other officer, and shall FORTHWITH make out duplicate returns of the election of such person or persons as shall be so elected and chosen, for any office or station, which the electors of the county are entitled to choose of themselves, unconnected with any other counties*"—and when a Governor is to be chosen, like returns of all the votes given for any person or persons for Governor—and having lodged ONE OF EACH OF THE SAID RETURNS IN THE OFFICE OF THE PROTHONOTARY OF THE COUNTY, shall enclose, seal, and direct the others, when the same relates to the choice of a Governor, to the Speaker of the Senate—when to the election of a Senator or Senators, to the Senate—when to a member or members of the House of Representatives, to the House of Representatives—when to a Sheriff or Coroner, to the Secretary of the Commonwealth—when to a Commissioner or Commissioners for the County, to the Clerk of Quarter Session of the said county.

"And one of the said judges [return judges] shall deliver *the returns, so sealed and delivered*, to the Sheriff of the county, *endorsing thereon the time of delivering the same*; and the said Sheriff shall, within five days thereafter, cause the return directed to the clerk of the Court of Quarter Session to be delivered agreeably to the said direction—and having received the returns of any district for the election of a Senator or Senators, or one or more members of the House of Representatives, *which may by law be directed to be completed and made out within the said county* for the same election, the said Sheriff shall forthwith, by himself or his deputy, transmit the whole of the said returns to the *Secretary of the Commonwealth*, so that the same shall be delivered into the Secretary's Office within twenty days after the last of the returns shall have been received by the said Sheriff—in which case, and not otherwise, he shall be entitled to receive from the State Treasury, on warrants drawn by the Governor, ten cents for every mile he shall necessarily travel in going from and returning to his proper county."

This section provided for the case of a single county divided into several election districts. The next section, the 13th, provides for the city of Philadelphia, and any county in which the election is holden only at one place—and in these the returns are to be made without delay, that is, on the day of the general election. It then provides for the case of two or more counties composing a district for the election of members for the Senate or House, and that—the judges, met as aforesaid, on the Friday after the election at their Court House, shall make out a fair statement, under their hands, of all the votes given for any person or persons as members of either House, and one of the judges *"shall take charge of such certificate, and produce the same in a meeting of one judge from each county, at such place in the said district as is or shall be appointed by law for that purpose, on the seventh day [Tuesday] after the election, and the said judges shall then and there cast up the several county returns, and make duplicate returns of the person or persons chosen for the said district"*—one of such returns to be deposited in the office of the Prothonota-

ry of the county where they meet, and the other to be delivered to the Sheriff of the said county, sealed and directed as is before prescribed, and the day on which the same is so delivered shall be endorsed thereon.

The returns delivered to the Prothonotary, which certify the election of a Commissioner or Commissioners, "*shall be, by the said Prothonotary, laid before the Court of Quarter Session, which shall order the same to be recorded according to law*"—and each Prothonotary, as soon as all the other returns are delivered into his office, "*shall make a copy thereof and certify the same, and shall forthwith transmit the said copy, under a sealed cover, directed to the Secretary of the Commonwealth, by placing the same in the nearest Post Office.*"

By the 16th section, "*the judges of the elections who shall meet at their respective Court Houses, or other place appointed by law, to compare the several lists and certificates, and to cast up the number of votes for each candidate, shall give notice in writing, to each member of the House of Representatives and Senate, who shall be elected and reside within their respective districts, within ten days next after the day of making up the return.*"

As soon as the election is finished, by the 22d section, one of the lists of voters, tally papers, one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges, and clerks, shall be carefully collected and deposited in one or more of the boxes, which being closely bound around with tape, "*shall be sealed by two or more of the judges of the election, and one or more of the inspectors, and shall be delivered to the nearest justice of the peace of the county, to be kept by him to answer if need be, the call of the joint or separate committees of the Senate and House of Representatives, who may be appointed to try the merits of any such election*" "*and the other list of voters, tally papers and certificates, shall be enclosed by the said judges in a sealed cover, directed to the Prothonotary of the county, and shall, by some one of them, be delivered into his office, where the same shall be filed—and it shall be the duty of the Prothonotary to give a certified copy of the said list, to any person or persons applying for the same, on payment of the usual fees as in other cases.*"

By the Registry Act of 16th June, 1836, the original registry in each ward in the city and incorporated districts, is returned to the Sheriff who is obliged to "*deposit the same in the office of the Clerk of the Court of Common Pleas, there to remain of record.*"

The act of 1799 *inflicts the penalties and disabilities of perjury on all persons wilfully and corruptly making a false oath or affirmation; and punishes any judge, inspector, or clerk, convicted of any wilful fraud in the discharge of his duties, with a forfeiture of not less than one hundred nor more than five hundred dollars, and a disability, for seven years, to hold any office of honor, trust or profit, in this Commonwealth, and for the same term disable such individual to elect or give his vote at any general or special election to be holden within this State. And any Prothonotary or Sheriff neglecting or refusing to perform the duties enjoined upon them, or wilfully misbehaving in the doing thereof, shall forfeit a sum not exceeding five, nor less than two hundred dollars, and suffer imprisonment for any term not exceeding six months.*

The act of 1799, makes no provision as to the election and returns of

members of Congress;—other acts of Assembly, temporary in their nature, providing for such cases.

By an act passed 16th March, 1791, the State was divided into eight districts, electing eight members of Congress; and the election was fixed for the second Tuesday of October of that year. The return judges, after making out duplicate returns, were directed to cause one to be delivered to the Sheriff of the county in which they were convened, and the other to be deposited in the office of the Prothonotary of such county. The Sheriff, within twenty days after the election, was bound to deliver or safely transmit the return to the Governor, who, thereupon was bound to declare "*by proclamation, the name of the person to him RETURNED as duly elected in each respective district*"—and to transmit such return to the Speaker of the House of Representatives. This act was temporary, being limited to this election only.

On the 7th April, 1792, another act was passed, providing for the election of members of Congress on the second Tuesday of October, and of electors of President and Vice President of the United States on the first Tuesday of November in that year. Both were to be elected by a general ticket. Duplicate returns were to be made out in the different counties, one deposited with the Prothonotary, and the other handed to the Sheriff, to be delivered by him "within twelve days after each respective election to the Governor of this commonwealth," who shall enumerate and ascertain the number of votes for each and every person voted for as representatives and electors, respectively, and shall thereupon declare the names of the persons duly elected and chosen as aforesaid;" and he is to transmit a return of the election of Representatives, together with the documents whereon the same is founded, to the Speaker of the House of Representatives of the United States.

This act, which made the Governor the returning judge or officer, was also temporary, being confined to the election of 1792.

On the 22d April, 1794, another act was passed dividing the State into twelve districts for the election of thirteen members of Congress. The elections to be held on the second Tuesday of October, 1794, and biennially until a new census. By this act, the judges of the election in the city of Philadelphia, and in each county erected into a separate district, after having formed the return of the whole election in said city and counties respectively, were obliged within ten days, to cause the said return to be delivered to the Sheriff of the said city and counties respectively, and a duplicate to be deposited in the office of the Prothonotary of said city and counties respectively.

The Sheriff, within forty days after the election, was to deliver or safely transmit the *return* to the Governor, who was bound thereupon to declare by proclamation, the name of the person or persons *returned* to him as duly elected, and transmit the returns, so made, to the House of Representatives of the United States.

This act was in force at the passage of the general election law of 1799, and formed with it, the general law governing the general elections of Pennsylvania. By these acts, the returns of the election of Governor, members of the House and Senate, County Commissioners, Sheriff and Coroner, and members of Congress, were to be delivered by one of the return judges to the Sheriff, who delivered the County Commissioner's

return to the Clerk of the Court of Quarter Sessions—and transmitted by himself or deputy, the returns for Governor, members of the House, Senate, Sheriff, and Coroner, to the Secretary of the Commonwealth, and either transmitted or delivered the return of members of Congress to the Governor.

By an act passed the 2d April, 1802, the State was divided into eleven districts for the election of eighteen members of Congress. This act substantially re-enacted the general provisions of the act of 22d April, 1794; and the Sheriff still remained the hand to deliver the returns to the Governor, who was to proclaim the names of the persons *returned to him as duly elected*.

On the 4th April, 1803, an act was passed altering and amending the general election law in several particulars; and by the sixth section it was enacted—"That in cases in which counties consist of more than one election district—or in cases where *one or more members of Congress, or members of the Senate or House of Representatives, of the General Assembly of the Commonwealth, are to be elected*; and in case of the *election of Governor*—the judges from each county, and the judges from *each election district*, whose duty it shall be agreeably to the aforesaid act [of 1799.] to take charge of the certificate or the certificates of the elections of said counties or districts when met—*shall, at the time and place appointed by law*, cast up the several county or district returns, as the case may be—and *make duplicate returns of the person or persons chosen* for the county, or counties if there is more than one county connected in the election, and *one of each returns*, if there are more than one, *shall be deposited in the Prothonotary's office of the county in which they meet*; and *one other of the returns, under a sealed cover, directed to the Secretary of the Commonwealth, shall be by the said judges, placed in one of the nearest post offices*; and it shall be the duty of the said judges to transmit to each of the persons elected to serve in Congress, or in the Senate, or House of Representatives, *a certificate of the return of his election*; and each judge who shall attend to cast up and make out said returns, shall be allowed ten cents for every mile which he shall necessarily travel in performing that service.

This section, it will be perceived, dispenses with the services of the Sheriff entirely as to the returns for Governor, members of Congress, and members of the Senate and House of Representatives of the Commonwealth; and devolves the whole duty of making out, depositing and forwarding the returns, upon the return judges—who deposit one set of returns in the Prothonotary's office, and send the other set of returns under a sealed cover, directed to the Secretary of the Commonwealth, by mail.

This act, however, left the returns for Sheriff and Coroner still to be transmitted by the Sheriff, who was entitled to receive from the State Treasury ten cents per mile for his mileage. This anomaly was corrected by the act of 13th April, 1807, which directs the returns for Sheriff and Coroner to be forwarded to the Secretary of the Commonwealth in the same manner as returns are directed to be sent by the sixth section of the act of 1803, just quoted.

The preamble to this supplement to the act of 4th April, 1803, explains the reasons of the Legislature for passing it, and it is as follows:—



"Whereas, in and by the act to which this is a further supplement, it is directed that the returns of elections of *members of Congress, members of the Senate, members of the House of Representatives, and of Governor, SHALL BE SENT BY MAIL* to the Secretary of the Commonwealth, but the said law does not make provision for sending the returns of Sheriff and Coroner in the same manner—from which omission MUCH INCONVENIENCE AND EXPENSE RESULT"—and then follows the remedy in the provision which we have just stated.

The law, then, subsequent to this act, stood thus—that the return judges sent by mail, to the Secretary of the Commonwealth, the returns for Governor, members of Congress, members of the Senate, members of the House of Representatives, Sheriff and Coroner; and that the only return which was to be delivered by them to the Sheriff, was the County Commissioners' return, which he was bound to deliver to the Clerk of the Court of Quarter Sessions, and for which service he could charge no mileage, as their offices must both be kept in the same county town, and generally in the same building.

The act of the 20th March, 1812, divided the State into fifteen districts for the election of twenty-three members of Congress. This dispensed with the Sheriff's agency, but allowed the return judges to send the returns for members of Congress to the Secretary of the Commonwealth, by mail or otherwise. This act has expired.

The act of the 2d April, 1822, divided the State into eighteen districts for the election of twenty-six members of Congress; and divided the city and county of Philadelphia into three districts. The second, third, and fourth sections of this act are in force, being expressly continued by the act of 1832; and by the last section, the return judges, after depositing one return in the office of the Prothonotary of the county, are "to cause a duplicate thereof, signed and sealed in the same manner as the said returns, under a sealed cover directed to the Secretary of the Commonwealth, to be placed forthwith in the nearest post office, or to be otherwise, within twenty days, safely delivered to him; and they shall transmit to each of the persons elected a certificate of the returns of his election."

The act of the 9th June, 1822, divides the State into twenty-five districts for the election of twenty-eight members of Congress; and the city forms the second district, and elects two members, whilst the county is divided into two districts, the first and third, each electing one member. By this act it is made the duty of the Governor, "on the receipt of the returns transmitted to the Secretary of the Commonwealth, to declare by proclamation, the names of the respective persons returned to him as duly elected in each district; and he shall, as soon as conveniently may be thereafter, transmit the said returns, so made to him, to the House of Representatives in the Congress of the United States."

The election of County Commissioners and County Auditors, is provided for in the act of 15th April, 1834. The returns for County Commissioners are made according to the act of 1799—one being deposited in the Prothonotary's office, which he is bound to lay before the Court of Quarter Sessions, which shall order the same to be recorded according to law—and the other is to be delivered by the Sheriff to the Clerk of the

**Court of Quarter Sessions.** Each Commissioner is obliged to take the oath or affirmation prescribed by the act of 1834, which oath or affirmation, certified by the person before whom it is taken, must be filed by such Commissioner, within ten days, in the office of the Clerk of the Court of Quarter Sessions; and on taking his seat at the Board of Commissioners, each new Commissioner must "produce a certificate, under *hand and seal* of the Clerk of the Court of Quarter Sessions of the same county, of his elections and qualifications according to the provisions of this act."

By the act of 30th March, 1791, the Court of Common Pleas in each county appointed three Auditors, to audit, settle, and adjust the public accounts of the County Treasurer and County Commissioners. By the act of 16th March, 1809, the auditors were directed to be elected *annually* by the electors in each county, which was so far altered, in 1814, as to have one Auditor elected annually for a term of three years, which is the law at present. By the 4th section of the act of 1809, which section is still in force, it is made the duty of the return judges when met, "*to make a return of the persons elected for Auditors* ; which return shall be, by one of the judges, deposited with the Prothonotary of the proper county ; and it shall be the duty of the Prothonotary to inform the Auditors of the time of their meeting annually, at least ten days previous thereto." This is the only return required by law—and each Auditor is obliged to take an oath or affirmation, which certified by the person before whom it is taken, must within ten days, "be filed by such Auditor in the office of Clerk of Quarter Sessions of the proper county."

The act of the 29th March, 1836, prescribes the mode of submitting the amendments to the Constitution, agreed upon by the Convention, to a vote of the people ; and it directs that the election shall, in all respects, be conducted as the general elections of this Commonwealth are : and that it shall be the duty of the return judges of the respective counties thereof, first having carefully ascertained the number of votes given for or against the said amendments," to make out duplicate returns thereof in words at length and not in figures only—one of which returns so made, shall be lodged in the Prothonotary's office of the proper county : and the other sealed and directed to the Secretary of the Commonwealth, which shall be, by one of the said judges, delivered to the Sheriff, with the other returns required by law, to be delivered to the Secretary of the Commonwealth.

The individual who drafted this section, which is very badly worded, evidently did not understand the general election laws of the commonwealth, and had only taken *Purden's Digest*, and, finding that the twelfth section of the act of 1799 was not marked as supplied in part, or altered or amended, assumed that it was still the law of the land ; when, if he had turned over a few more pages of the book, he would have found the act of the 4th April, 1803, which was expressly made to amend the act of 1799, and especially this section in the particulars we have already stated. He would also have found in the seventh section of the act of 1803, a clause which would have removed all doubts as to the change made by the Legislature as to the delivery of certain returns to the Sheriff. This section expressly enacts "that *all and every part* of the aforesaid act, entitled "An act to regulate the general elections of this State, passed the

fifteenth of February, one thousand seven hundred and ninety-nine, which is by this act *altered, amended, or supplied*, be and the same is hereby repealed and made *null and void*." This could have left no doubt on his mind, and if he had any, the act of 1837, *particularly if seen with its preamble in 4th Smith's Laws*, would have removed even the shadow of a doubt.

This amendment return is, therefore, the only return, which is to be sent to the Secretary of the Commonwealth, with which the Sheriff has any thing to do. The tenth section of the act of 1836 enacts that "it shall further be the duty of the Secretary of the Commonwealth, on receiving the said returns of the election for and against the amendments proposed by the Convention, to deliver the same to the Speaker of the Senate, on or before the first Thursday of the next session of the Legislature after said returns shall be so received, who shall open and publish the same in the presence of the members of the Senate and House of Representatives, on the next Tuesday thereafter, [second Tuesday in December] and, when the number of votes given for, and the number of votes given against, the said amendments shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the Speaker of the Senate, one of which shall be filed in the office of the Secretary of the Commonwealth, and the other delivered to the Governor, whose duty it shall be to declare, by proclamation, whether the said amendments have been, or have not been, adopted by the freemen of this Commonwealth."

We have thus carefully collated all the laws upon this interesting subject, in order that every reflecting man may judge for himself, of the accuracy of the positions and results which we shall proceed to lay before the community.

It is conceded that when several persons are authorized to do an act of a public nature, which requires deliberation, they should all be *convened*, because the advice and opinions of all may be useful, though all do not unite in opinion. But it is also clear, that a decision may be made by a majority, and that there is no public body in which unanimity is required but a petit jury. The rule that, when powers are granted to several persons to transact *private business*, that all must join in the execution of the power, was never applied to *public business* of a judicial nature, nor to *public business* of a deliberative nature, though not strictly judicial. Still further, where a day and place is appointed for the meeting of said *public agents* to transact the *public business* committed to their charge, no meeting of a majority, *still less of a minority* of them, held clandestinely either before or after the regular meeting, can possibly be legal, and all acts done at such a meeting, whether by a majority or minority, are totally null and void; and no meeting can be a valid one unless all have notice of the time and place, and have an opportunity to be present and assist and take part in all the business entrusted to their care.

The rule then is clear that the majority of such public agents must govern, and that the minority have no power to effect or invalidate the acts of the majority, still less to do legally any act which can only be effected either by the whole number or a majority of that number.

To apply these indisputable general principles, the judges of the general elections are public agents, whose duties, as their name implies, are of a judicial nature and certainly of a deliberative nature. The original

number of not less than three nor more than five, directed by the act of 1799, in each election district, shows that the Legislature considered the business to be transacted of that nature that a majority must decide and govern. This is unquestionably the case on the day of the election; and the same rule extends, by common sense and uniform practice, to the meeting of the return judges on the Friday after the election, and to the meeting of the return judges of the different counties on the Tuesday following. The rule is only more obvious in the case of the city of Philadelphia, where the election is held at one place, and the whole business, including the returns, is finished by the judges in one day, and where it is probable that no single return was ever signed by the whole number of judges. The course of proceeding may be shortly stated.

The judges being appointed and sworn, attend throughout the day of the election, and if called upon, decide, by a majority, all questions submitted to them. After the poll is closed, they, in fact and in law, count the votes given, and make out under their hands a certificate of the number of votes given for each candidate—they assist at putting the tickets and other papers into proper boxes, and at their delivery to the nearest justice of the peace; and the other list and paper are sealed up by them, and delivered by one of them to the Prothonotary of the county.

One judge from each election district takes charge of the certificate from his district, and, on the third day (Friday) after the election, produces it in a meeting of one judge from each election district at the State House. The judges so met, proceed to add together the number of votes given for the persons found to be highest in vote or elected as Representatives, Senator, or other officer, and to make duplicate returns thereof, one of each of which is to be deposited in the Prothonotary's office, and the others to be placed by the judges in the nearest post office, directed to the Secretary of the Commonwealth. The exceptions are the County Commissioners' return, which is to be delivered to the Sheriff, and by him placed in the office of the Clerk of the Court of Quarter Sessions—and the return on the amendments which is handed to the Sheriff—and the return for Auditor, which is a single return, and is deposited in the Prothonotary's office by the judges. After the meeting of the judges adjourns, their powers are at an end, except so far as is necessary to carry out what has been already decided and performed in the meeting itself. In all questions before the meeting, a majority of course must govern, or otherwise a single judge might prevent the returns of a whole county. The judges give notice in writing to each member of the Senate and the House of Representatives of his election, and also transmit to them and the members of Congress certificates of the returns of their election.

The Sheriff has no power over either the original certificates from each election district, or the final return of the members elected, and is but in respect to them, merely a private individual. The Secretary of the Commonwealth has no power vested in him to decide upon returns—that belongs to the representative body; and the sole question in such case is—is the return signed by a majority of the judges? If it be a false return, the remedy is to contest the seat, by petition agreeably to the acts of Assembly—and *whoever has the greatest number of legal votes will be entitled to his seat.* A minority of the return judges, it is clear, can make no return, particularly when the majority have made a

return. If six being a minority of the seventeen, can make a legal return then a minority of one judge can make it also; and five out of the fifteen city judges could return the members of the Select and Common Councils, the members of the Senate and House, and two members of Congress, in spite of the remaining ten. The result would be that the minority could govern the majority—reversing the Republican doctrine that the minority must submit to the will of the majority.

To apply this to the case of the Philadelphia county election. There are seventeen election districts in the county, and each sends one return judge. These seventeen return judges make the returns for all offices in which the city does not join. The city of Philadelphia sends one return judge, who unites with the seventeen judges in all matters requiring the joint action of the city and county, as in the case of Governor, Sheriff, County Commissioner, County Auditor, and Amendments. In such cases each of the eighteen judges has but one vote.

On Friday the 12th October, 1838, pursuant to law, the whole eighteen return judges met in Independence Hall, at the State House in the city of Philadelphia. The following are the names of the election districts, and of their respective judges—those in *italics* being represented by Federal judges, and those in Roman by Democratic judges—and those marked with a \* (six) are in the third Congressional district, and the residue (eleven) in the First Congressional District.

## DISTRICTS.

## JUDGES.

1. <i>Spring Garden,*</i>	<i>Wm. G. Conrow.</i>
2. Kensington,*	Andrew Hague.
3. Southwark,	Peter Binder.
4. <i>Moyamensing,</i>	<i>Joseph Shermer.</i>
5. Passyunk,	Lewis Crousillat.
6. Kingsessing,	Justice Cox.
7. <i>Blockley,</i>	<i>Leonard Frailey.</i>
8. Roxborough,	George W. Smick.
9. <i>Germanatown,</i>	<i>Charles A. Smith.</i>
10. <i>Bristol,</i>	<i>Wm. Wister.</i>
11. Lower Dublin, } Byberry, and } Moreland,* }	Charles Vansant.
12. <i>Oxford,*</i>	<i>Wm. Overington.</i>
12. Unincorporated } N. Liberties,* }	J. H. Flitcraft.
14. N. Penn Township,	Jesse Weiss.
15. S. Penn Township,	Michael Pray.
16. West Philadelphia,	Benjamin Sage.
17. <i>Inc. N. Liberties,*</i>	<i>Bela Badger.</i>

And the 18th district is the *city of Philadelphia*, of which *Samuel Norris* was return judge.

The meeting was organized by the appointment of George W. Smick, of Roxborough, as Chairman, and of Samuel J. Robbins, of the city of Philadelphia, and John J. McCahen, of the district of Spring Garden, as Return Clerks. The judges being called, all answered to their names. On motion of Wm. G. Conrow, the reporters for the daily papers were admitted into the room. On motion, it was resolved that the returns

of the First Congressional District for the candidates for Congress be received. The returns being made for each electen dirtrict in the First Congressional District, were

For Lemuel Paynter,	8675
Joel B. Sutherland,	2994
Scattering,	5

The return was made out for Col. Paynter, and signed by nine of the eleven judges of the First District, including Messrs. Shermer, of Moyamensing, and Frailey, of Blockley. A motion was then made that the returns from the county of Philadelphia upon the Assembly ticket be now received. A motion was then made by W. G. Conrow, to postpone the further consideration of this motion, for the purpose of taking up the returns from the Third Congressional district, which was negatived—the seven Federal judges voting for it, and the ten Democratic judges against it. The original motion was then agreed to. Mr. Badger then stated, as the return judge for the Incorporated District of the Northern Liberties, that he desired to be heard by counsel. The returns from the Incorporated District of the Northern Liberties being then called for, a motion was made that the said returns be not received, until it be decided whether they are legal and just, or otherwise—ten yeas and seven nays. It was agreed to. Mr. Badger then presented the following protest:—

“I, Bela Badger, return judge of the District of the Northern Liberties, hereby solemnly protest *against the right of the judges here present*, to reject, or try or examine into the correctness of the returns from the District of the Northern Liberties, and I solemnly protest against the resolution which has just now passed.

“BELA BADGER.”

Oct. 12. 1838.”

On motion, the meeting proceeded to examine the witnesses in relation to the vote in the incorporated district of the Northern Liberties. The witnesses examined were, Daniel Jeffras, Jacob R. Kline, John Abrams, Alexander Brown, Henry Stapson, Daniel Hotz, and Michael D. Wartman, who were all duly sworn or affirmed. It was proved that George Hacker, an inspector of the Fifth Ward, Northern Liberties, in a conversation with Mr. Abrams, said he would bet any thing there would not be a majority in that ward for the Democrats, there would be two hundred majority for the Whigs—if *there was not, he would make it two hundred*; and that Bela Badger, the return judge, said before the election *that he intended to cheat*. That, on the day of the election, the inspectors and clerks of the said five wards, and the judges, carefully concealed from the inspectors and clerks of the Sixth and Seventh Wards, the number of votes polled in each ward, and the number polled for each candidate, or the majorities or the votes, when the votes were counted off, although the votes in the Sixth and Seventh Wards were obtained by them several times during the day; and that when, during the day, any of the democratic inspectors or clerks came near the Federal windows, the Federal officers covered their tally lists and other papers with blank paper; and that at the counting off of the first five wards, the names on the tickets were not read aloud or announced by the judges or any one, but the same were kept entirely secret. That, when Mr. Hoeckly, who

was making out the certificates or returns, was applied to, after the votes were counted, for the returns, he said Mr. Badger had them, and when Mr. Badger was asked for them, he said he had them not, although he was told that Mr. Hoeckly said he had them, and that he was the return judge. It was impossible to find out who was the return judge; and one of the inspectors of the Third ward said that they (the Federal inspectors, judges and clerks) *had agreed not to give the returns*, so that the Democratic inspectors and clerks were not permitted to see the certificates made out by the judges, nor even to know whether their own returns were correctly stated or not. The Federal inspectors (except in the Fourth Ward,) declined also to allow the boxes to be looked into before the election commenced, so as to show that there were no tickets in them before the polling began.

The registry of the Seventh Ward, and a part of one of the tally lists were traced into the possession of the Federal judge of that ward after the election had closed, and could not afterwards be found. The boxes of the first six wards were carried by the Federal judges to 'Squire Corfield's, the Clerk of the Court of Quarter Session, under Governor Ritner, who was not the nearest justice of the peace—all indicating an illegal combination, and a determination to conceal every thing from the Democratic inspectors and clerks of the Sixth and Seventh Wards, and leading inevitably to the conclusion, that the returns of the Northern Liberties were neither just nor legal. *All the seven judges*, and the inspectors and clerks of the first five wards were Federalists, and the whole election was conducted in one place—the commissioners' Hall of the Northern Liberties.

The remaining testimony related to the First Wards of Spring Garden, which we shall notice hereafter.

The whole testimony being closed, and Messrs. Ingersoll, Naylor and others, having been heard by the judges, a motion was made by Mr. Hague, and seconded by Mr. Michael Pray, that the returns from the incorporated district of the Northern Liberties be not received; and the yeas and nays being called; it was carried in the affirmative—*Yeas*, Messrs. Hague, Binder, Crousillat, Cox, Smick, Vansant, Flitcraft, Weiss, Pray, Sage. 10.—*Nays*, Messrs. Badger, Conrow, Shermer, Fraley, Smith, Wister, Overington. 7.

It was also decided, upon motion, that the returns from the Third Congressional district for members of Congress, with the exception of the incorporated district of the Northern Liberties, should be received.—*Yeas*, Messrs. Hague, Vansant, and Flitcraft. 3.—*Nays*, Messrs. Conrow and Overington. 2.

The certificates from each election district, showing the number of votes given for each candidate, distinguishing the station or office he was voted for (with the exception of the incorporated district of the Northern Liberties,) were severally produced by the respective return judges, and the votes read out by the respective judges, entered on *regular tally lists* by the return clerks, and the number of votes added together; and in the case of Governor, Sheriff, County Commissioner and Amendments, the city certificates were produced by the city return judge, Mr. Norris, and also added to the county return. Regular duplicate returns were then made out, and signed by ten of the judges.

These returns gave the following results for the city and county of Philadelphia:

For the Governor—Joseph Ritner,	13,390
David R. Porter,	11,138
For Sheriff—Daniel Fitler,	12,887
Thomas Hart,	12,848
Daniel Smith,	11,560
Isaac W. Norris,	11,541
Daniel Fitler and Thomas Hart were accordingly returned as duly elected.	
For County Commissioner—Jona. Johnsen,	13,229
William Piersol,	11,184

And Jonathan Johnsen was accordingly returned as duly elected County Commissioner.

For Auditor—George Norton,	13,287
Robert F. Christy,	11,038

And George Norton was accordingly returned as duly elected County Auditor.

Amendments—For,	11,415	Against,	11,964
For the county alone:			
For Senate—James Hanna,			6,339
Win. Wagner, in place of A. M. Peltz,			6,348
Charles Brown,			7,889
S. Stevenson, in place of A. M. Peltz,			7,870

And they accordingly returned and certified "that the said Charles Brown and Samuel Stevenson, the latter in the place of Alexander M. Peltz, dec'd. had the highest number of votes polled for Senators as aforesaid, and we hereby declare them to have been duly elected Senators to the General Assembly of the commonwealth of Pennsylvania.

For the house of Representatives:

Charles Pray,	7,870	Abra'm. Helfenstein,	7,837
John W. Ryan,	7,817	John W. Nesbitt,	7,818
M. N. Carpenter,	7,869	Thomas J. Heston,	7,819
Thos. H. Brittain,	7,899	Benjamin Crispin,	7,982

And they accordingly returned and certified "that the said Charles Pray, John W. Ryan, Miles N. Carpenter, Thomas H. Brittain, Abraham Helfenstein, John W. Nesbitt, Thomas J. Heston and Benjamin Crispin, had the highest number of votes polled for Representatives as aforesaid, and we hereby declare them to have been elected members of the House of Representatives of the commonwealth of Pennsylvania."

For Congress, First District as stated above.

For Congress, Third District—

Charles Naylor,	3,354
Charles J. Ingersoll,	3,915

This return was signed by three judges, Messrs. Hague, Vansant and Flitcraft.

The following paper, in the course of the meeting, was handed to the judges:

"We, the undersigned return judges of the county of Philadelphia, protest against the examination of any witnesses, to examine and inquire



into the legality of the election held in the district of the Northern Liberties, on the second Tuesday of October, 1838, and all other matters relating thereto, or in any wise connected therewith, believing that we have no power to judge of the same.

Bela Badger, Chas. A. Smith, Wm. G. Conrow, William Wister, Wm. Overington, Joseph Shermer, Leonard Frailey."

Philadelphia, Oct. 12th, 1838,

*The meeting having transacted all its business, then adjourned at 8 o'clock in the evening, sine die—the whole eighteen return judges having been present during the whole meeting, and taking part in its proceedings.*

On Saturday morning, the 13th October, 1838, George W. Smick, chairman of the return judges, Samuel J. Robbins and John J. McCahan, return clerks, deposited one of each of the said official returns in the office of Robert Morris, Esquire, the Prothonotary of the county of Philadelphia, and on the same morning, delivered the other set of official returns to John L. Wolf, Esquire, deputy Sheriff for the Sheriff, at the Sheriff's office, sealed and directed according to law, endorsing thereon the time of delivering the same. This set was sent up by the Sheriff to the Secretary of the Commonwealth, and the returns are now in his office.

On discovering that the Sheriff was not authorized to intermeddle with their returns, another set of duplicate returns for Governor, Amendments, Sheriffs, Congress, (First and Third districts,) Senate and House of Representatives, signed and sealed by the ten judges according to law, and under a sealed cover, directed to the Secretary of the Commonwealth, were, by the said judges, placed in the nearest Post Office, to wit: that of the city of Philadelphia. These returns are also in the office of the Secretary of the Commonwealth, having been delivered to him by the Post Master at Harrisburg.

The following return (marked A.) shows the particulars of the official returns thus made out, which are taken from the *tally lists* kept by the Return Clerks, under the direction of the Return Judges, on the 12th of October, 1838. Federalists in italics.

[For the returns, see table A. at the end of the article.]

The returns thus made, were the legal returns required by law, and the only remedy, if an error was committed, is to contest, by petition, the seats of the returned members, upon the ground either of an "undue election," or of a "false return."

*Six of the minority, with the assistance of the city return judges, however, determined to overthrow the acts of the majority, done in an open meeting of all the judges, and, in violation of their oaths, to pretend to make false returns in favor of their own partizans.* The following is a brief statement of the facts:

After the adjournment of the meeting of the judges at eight o'clock in the evening, all the judges left the room (Independence Hall) in which they met. This room is on the first floor, and is the east room of the State House. The seven judges declared, in answer to a question by a citizen, that they intended not to hold any meeting, nor to make out any other returns. Messrs. Norris, Badger, Smith, Conrow, Wister, Overington and Shermer, notwithstanding this declaration, went about half past nine o'clock on the same evening, *clandestinely*, and without any notice to the other judges, up stairs into the United States Court room,

which is the west room, on the Second floor of the State House,—and there, with the certificates of the seven Federal judges of the county, and the city certificates, proceeded to make out what they have designated returns for city and county for Governor, Amendments, and Sheriff, and, for the county for Senate and House of Representatives. Messrs. Badger, Conrow, and Overington, made a pretended return also for the Third Congressional District.—*But no return was made for the First District; nor for County Commissioner or Auditor.* After completing their work *in secret*, at near one o'clock on Saturday morning, they left their room. IT WAS A PRIVATE CONCLAVE TO WHICH NONE BUT THE INITIATED WERE ADMITTED. One set of these spurious papers was deposited in the Prothonotary's office, and the other set, being handed to the Sheriff, was by him sent by express, in a State locomotive, to the Secretary of the Commonwealth, at Harrisburg.

These papers, as deposited in the Prothonotary's office, are a curiosity, which none but Federal ingenuity could have dreamed of, and which none but a BURROWS or a STEVENS could discover as having any of the requisites of legal official returns. They are, in the first place, signed by only six return judges of the county, being a clear minority of seventeen; and in the second place, they are only the addition of the votes at best of seven (Federal) districts out of seventeen election districts, omitting entirely ten (Democratic) districts without either notice or excuse. This we can make apparent by comparing the papers themselves with each other. The supposed return for Governor says:

"Having carefully examined the returns of the following election districts—the city of Philadelphia, Spring Garden, Northern Liberties, Blockley, Moyamensing, Bristol, Germantown and Oxford, and having added the vote therein contained, according to law, do certify that the following persons received the number of vote set opposite their names, for Governor of the commonwealth of Pennsylvania.

"Joseph Ritner had thirteen thousand four hundred  
and eighty-five votes,

13,485"

"David R. Porter had eight thousand and forty-one votes,

8,041"

It is signed by Messrs. Shermer, Smith, Badger, Wister, Conrow, Overington and Norris—seven out of eighteen judges.

The Sheriff's supposed return is still more extraordinary, and is also signed by these seven gentlemen. This certifies,

"That the following named persons received the number of votes set opposite their names for Sheriff for the city and county of Philadelphia, in the district of Spring Garden, the incorporated districts of the Northern Liberties, Blockley, Bristol, Germantown, Oxford and the city of Philadelphia:

Daniel Fidler, twelve thousand eight hundred and sixty four, 12,864

Thomas Hart, twelve thousand eight hundred and thirty-one, 12,831

Daniel Smith, eight thousand five hundred and sixty, 8,560

Isaac W. Norris, eight thousand five hundred and thirty-six, 8,536

This, it will be seen, by name includes only six election districts in the county, but there is no doubt Moyamensing is actually included in the calculation. It is also to be observed that they do not declare who was the highest in vote, nor do they pretend, as a return should do, to declare that any person is elected Sheriff. This runs throughout all their returns, and

is, we understand their saving clause against the pains and penalties of perjury. **THEY HAVE NOT RETURNED ANY ONE AS ELECTED TO ANY OFFICE.**

The supposed return for the House of Representatives, which is a county return alone, *is signed by these same six county conservatives of the public morals*, and is as follows :

"We the return judges of the several wards, townships and districts of the county of Philadelphia, do certify that, at an election held on the 2d Tuesday in October, A. D. 1838, *the following named persons APPEAR to have the number of votes set opposite to their names for members of Assembly*, in the District of Spring Garden, the Incorporated District of the Northern Liberties, Blockley, Moyamensing, Bristol, Germantown, and Oxford, viz :

Michael Day, six thousand, three hundred and forty-six.	6,346
Adam Woelpepper, six thousand, four hundred and twenty-six.	6,426
Wm. F. Hughes, six thousand, four hundred and thirty-two.	6,432
William Lloyd, six thousand, three hundred and fifty-five.	6,355
Wm. I. Crans, six thousand, four hundred and forty-two.	6,442
Samuel F. Reed, six thousand, four hundred and fifty-five.	6,455
Benj. R. Mears, six thousand, three hundred and forty-six.	6,346
Jesse F. Smith, six thousand, three hundred and seventy-two.	6,372
Charles Pray, four thousand, nine hundred and twelve.	4,912
John W. Ryan, four thousand, seven hundred and fifty-seven.	4,757
M. N. Carpenter, four thousand, eight hundred and fourteen.	4,814
T. H. Brittain, four thousand, eight hundred and forty-nine.	4,849
A. Helfenstein, four thousand, seven hundred and seventy-one.	4,771
J. W. Nesbitt, four thousand, seven hundred and seventy.	4,770
T. J. Heston, four thousand, seven hundred and seventy-nine.	4,779
Benj. Crispin, four thousand, eight hundred and forty-nine.	4,849
Henry Corbet, one.	1
T. Bender."	

This paper is exceedingly peculiar in its phraseology—it does not *certify* that the following named persons have so many votes—it confines itself to seven election districts—and says the votes are for *members of Assembly*, a term not known to the Constitution, or the election laws, as applicable to members of the House of Representatives. Under the Constitution of 1776, there was but one branch of the Legislature, and that was known by the name of the General Assembly; and, therefore, although Representative was the proper phrase as applied to a member of the House, yet there could be no ambiguity when he was called a member of the Assembly, or of the General Assembly. The Constitution of 1790, however, divided the Legislature into two branches; and the first section of the first article declares, that "the Legislative power of this Commonwealth shall be vested in a *General Assembly*, which shall consist of a Senate and House of Representatives." Members of either House are, therefore, members of Assembly, or of the General Assembly, which is the Constitutional and legal term. In speaking of members of the House of Representatives, the Constitution calls them "Representatives," particularly through the whole of the first article. By the second article, the Governor is chosen at the places where the citizens "respectively vote for Representatives"—and it is the House of

Representatives which have the sole power of impeaching. The eighth article which prescribes the oath of office, in the words "members of the General Assembly" includes both the members of the Senate and House of Representatives.

The act of 1799, speaks always of *Representatives and Senators*; and the 6th section of the act of the fourth of April, 1803, provides for cases where "members of the SENATE or HOUSE OF REPRESENTATIVES of the General Assembly of the Commonwealth are to be elected"—showing that where the General Assembly is mentioned, it is to designate the whole legislative power, which is vested in two distinct bodies, and not either of these bodies alone—the Senate or the House of Representatives. The enacting clause of all acts of Assembly, "Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met," is only a practical exemplification of the correctness of the objection to the language of the supposed return. For if these six judges were indicted for *perjury* or for a *wilful fraud*, in making a false return, they could say it was no return at all, as it was for a body which had no existence as a separate legislative body—that it was neither the Senate nor the House of Representatives—that it was in fact no return at all; and therefore, that, having broken no law, they could be liable to no penalty or punishment.

This paper, which returns no one as elected to any office, is indeed an entire and total nullity on its face, and might as well be used to show that the individuals named in it were commissioned as judges, as elected as members of the House of Representatives of this Commonwealth.

The supposed return for Senate is of the same description, signed by six only, made up of only the same seven Federal districts, and not declaring or returning any one as elected Senators. It is as follows:—

"We, the Return Judges of the several wards, townships and districts of the county of Philadelphia, do certify that having examined the several returns from the said districts, wards and townships, that the following named persons received the number of votes, set opposite their names, for Senators for the county of Philadelphia.

James Hanna, for four years, (4) (6,288 votes) six thousand two hundred and eighty-eight votes.

Charles Brown, for four years (4) four thousand eight hundred and fifty-eight votes.

William Wagner, for unexpired term of A. M. Peltz, deceased (6,308) six thousand three hundred and eight votes.

Samuel Stevenson, for unexpired term of A. M. Peltz, deceased (4,839) four thousand eight hundred and thirty-nine votes.

As the supposed return for the amendments involves the same questions as the returns for the Senate, we shall state it first, and then consider them together. This spurious return for the amendments is from the same *seven districts* in the county, and the city of Philadelphia, and is signed by the *same six judges and the city judge*.

It is as follows:

"We, the Return Judges of the several wards, townships and districts of the county of Philadelphia, do certify that, having examined the several returns from the said districts, wards and townships, for votes on the amendments to the Constitution, there were—

For the amendments, eight thousand three hundred and forty-seven, 8,347  
 Against the amendments, twelve thousand four hundred and thirty-nine, 12,429"

The city return, signed by *ten* of *fifteen* judges (and the Governor's and some other city returns are signed by only *nine*) shows the city vote to have been—

For the amendments, 3,322, leaving the county vote by this paper, 5,025  
 Against the amendments, 6,792, leaving the county vote by this paper, 5,637

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Total votes in the county, 10,662  
 Making in the city a majority against the amendments, of 3,470  
 And in the county, of 612  
 Making a total majority in the city and county against the amendments, according to this illegal and void paper, of 4,082

We now proceed to show this, and the Senate paper to contain only the same seven election districts of the county.

The vote for Mr. Hanna is 6,288, and in the same districts we have seen Mr. Lloyd, one of the Federal candidates for Representative, has 6,355.

The vote for Mr. Brown is 4,858, and Mr. Crispin, one of the democratic representatives, has, in the same seven districts, 4,849; and the votes on the amendments, which are more favorable, both in the city and the county, than the democratic vote for the other tickets, (but the whole number of votes on both sides is smaller than on any other ticket,) show also that the Incorporated District of the Northern Liberties, Moyamensing, Blockley, Germantown, Bristol, Spring Garden and Oxford, were the only county districts used to make up these fraudulent papers. The total majority in the city and county, by the official returns

(which rejected the Northern Liberties) against the amendments, was 549  
 And adding in the Northern Liberties majority which was only 869

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Make a total in the whole city and county against the amendments of 1,418

#### THIS THESE SEVEN JUDGES KNEW.

The county majority in favor of the amendments by the official return was 2,921  
 Deducting the Northern Liberties majority against them 869  
 It left a majority in the county in favor of the amendments of 2,053

#### THIS THESE SEVEN JUDGES KNEW.

And yet, holding only *seven* certificates from seven election districts of the county, they dared, *at midnight and in secret*, to rob the people of the whole State of their dearest rights, their "unalienable and inalienable right to alter, reform, or abolish their government in such manner as they may think proper"—by adding together *the votes of seven Federal election districts and calling it the county of Philadelphia*, and giving a majority of 612 against the amendments in the county, and of 4,082 in the whole city and county of Philadelphia.

The same remarks are applicable to the Senate paper, as to their inten-

don to cheat the people of the county of Philadelphia out of their Senators. For instance—

The majority in favor of Mr. Brown, over Mr. Hanna, by the official returns (as per table A) excluding the Northern Liberties, which was rejected by the judges, is	1,550
Deducting the majority for Mr. Hanna in the Northern Liberties,	979

It left a majority in favor of Mr. Brown, of	571
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The majority in favor of Mr. Stevenson over Mr. Wagner, excluding the Northern Liberties, is	1,522
And deducting the majority for Mr. Wagner in the Northern Liberties,	1,007

It left a majority in favor of Mr. Stevenson, of	515
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**THIS THE SIX JUDGES KNEW.**

And yet, in the face of these facts—all of which were known to them—on the evening of the 12th of October last, these individuals, a minority, in violation of their oaths of office, and of all moral and religious obligation, made out these two papers which they knew to be false, with the intention of wilfully defrauding the people of the State out of their amended Constitution, and the citizens of Philadelphia county out of their duly elected Senators. "I will make a true and *perfect* return of the said election," swore or affirmed each of these judges. They made and signed what purports on its face to be perfect and true, which they knew to be imperfect and untrue. They were each guilty of gross, wilful and corrupt perjury, and are liable for this (if it is the first offence) to punishment by solitary confinement at labor in the Eastern Penitentiary for a period of not less than one year, to forfeit a sum not exceeding five hundred dollars, and to be forever "**DISQUALIFIED FROM HOLDING ANY OFFICE OF HONOR, TRUST, OR PROFIT, IN THIS COMMONWEALTH, AND FROM BEING ADMITTED AS A LEGAL WITNESS IN ANY MATTER OF CONTROVERSY.**"

They also are liable, under the 23d section of the act of 1779, to be punished for this "**WILFUL FRAUD**" in the discharge of their duties, by a forfeiture of not less than one hundred, nor more than five hundred dollars, to be for seven years disabled from holding any office of honor, trust, or profit, and to elect or give their votes at any general or special election in this State.

There can be no doubt, also, that they and their confederates who aided them in this foul plot—and it is rumored that some of the federal candidates were amongst them—are liable to be indicted and convicted for a conspiracy, which would subject them to fine and imprisonment at the discretion of the Court.

Still further, these same seven judges have made *no* returns at all for *County Commissioner* or *Auditor*—certain it is, that no such returns are to be found in the Prothonotary's office, nor in the Court of Quarter Sessions, and that the County Commissioner, *Jonathan Johnson*; holds his seat at this moment, by virtue of the official return made as we have already stated by the *ten* judges, which has been laid by the Prothonotary of the Common Pleas, before the Court of Quarter Sessions, by

whom it was ordered to be recorded according to law, and a certificate has thereupon been given to him, under the hand and seal of the Clerk of the Court of Quarter Sessions, of his said election, and of his qualifications according to the act of the 13th April, 1834.

Mr. George Norton, the county Auditor elect, can also only claim his seat by virtue of the return of the ten judges; and if he should deem it invalid he has no claim to a seat in the Board of Auditors. It is clear also, that the Sheriff holds his office by virtue of the return made by the same judges; and the Governor has recognized the First District returns by proclaiming Col. Paynter as elected.

Now, the seven judges were as much bound to make the returns for County Commissioner and Auditor, as for any of the other offices; and if they were the proper and legal body to make them, then they have also committed perjury and wilful fraud in not so doing, and are liable to the punishments we have already stated. Still further, the three federalists, Messrs. Badger, Overington, and Conrow, in making out the spurious return for Mr. Naylor, have recognized as legal the returns of the *six* districts of Spring Garden, Northern Liberties, Kensington, Unincorporated Northern Liberties, Oxford, Lower Dublin Byberry and Moreland; and Messrs. Shermer and Frailey have by signing Col. Paynter's certificate, recognized as legal the returns of the other eleven election districts of Southwark, Moyamensing, Blockley, Passyunk, Kingsessing, West Philadelphia, North Penn Township, South Penn Township, Roxborough, Germantown and Bristol, making the whole seventeen election districts of the county—whilst the same Messrs. Badger, Overington, Conrow, and Shermer have omitted the ten democratic districts without excuse of any kind—thus showing, conclusively, their guilty intention in framing and signing those spurious returns.

Still further. The particulars of these false papers have never been published in a single Federal, Whig, or Anti-masonic paper of the city of Philadelphia, or elsewhere, although called upon to do so by the New York Journal of Commerce and other Whig papers, because they knew the fraud to be too base to bear a public exposure of its details. Still further—in publishing the statement of the votes for Governor and amendments, the National Gazette of the 15th November, the Pennsylvania Inquirer, and other Federal papers, have taken the official returns made by the ten judges as the official returns, which include the sixteen districts of the county, simply noting that the returns from the Northern Liberties were rejected by the return judges; and though *last, not least, the Federal judges of the incorporated districts of the Northern Liberties have never filed either returns, certificates, tally papers, lists of voters, or any other paper relating to the election in the office of the Prothonotary of the Court of Common Pleas, as required by law*—**SHEWING EITHER THAT THEY CONSIDERED THEIR RETURNS AS LEGALLY REJECTED OR THAT THEIR ELECTION WOULD NOT BEAR THE SLIGHTEST INVESTIGATION BY THEIR FELLOW-CITIZENS.**

So that their best friends have repudiated the act of this minority faction, and have treated them as entire nullities. The table (B) exhibits the particulars of the false returns made by the six judges, with the assistance of the city judge. [For table B see end of article.]

This must carry conviction to the mind of every honest man of any party. We ask all to peruse this "Federal official" carefully, and then say whether any seven men in Pennsylvania ever before attempted to perpetrate so base a fraud upon their fellow citizens and upon the elective franchise. If a respectable party boasting to possess a large portion of the wealth, the decency and the talent, can for a moment countenance such unqualified dishonesty, then they cannot complain if the majority, to enforce their rights, resort to first principles to sustain them. We know and we trust that there are too many honest and upright men in the minority who will never allow themselves to be made the tools and panders of *men who have borrowed money without law, have squandered it without law*, and are now seeking to screen themselves by leading their party to the commission of acts of fraud, corruption and violence.

We have heretofore stated at length, the principles which govern this case. We design not to recapitulate, but to apply them. We cannot, however, forbear quoting the following language of the highest judicial authority in this State before doing so. It is in all fours with the matter in hand. "In all matters of public concern the voice of the majority must govern. Whether the statute expressly authorizes a majority to act, or is silent, the principle to be extracted from the numerous cases on this head, is, that where a number of persons are intrusted with powers, not of a mere private confidence, but in some respects of a general nature and all of them are assembled, *the majority will conclude the minority*. To this I would add, if regular notice be given to all; the MAJORITY, when they have met, become just as competent to decide as if the whole had met, *and in contemplation of law it is the act of all.*"

The whole seventeen judges from the seventeen election districts of the county, and the judge from the city of Philadelphia, met on Friday morning the 12th of October, 1838, in Independence Hall, in the State House, according to law; were organized by the appointment of a chairman and two return clerks; and the names of all the judges being called over, each judge answered to his name. Here was the "meeting of one judge from each district."—Upon examination, and hearing of all parties interested, a majority of the said judges, on a full vote, rejected the returns of the Incorporated District of the Northern Liberties on the ground of fraud.—The same was done by the majority of the judges in the Third Congressional District.

The judges names, excepting that of the judge from the rejected district were then called in order, the votes were read by them from the certificates for the different offices, and for and against the amendments, taken down on tally lists by the Return Clerks, the additions made up, and the duplicate returns made out as we have already stated and signed by a majority of the judges in the presence of all the judges. When the whole was finished, the meeting adjourned, at about eight o'clock in the evening.

These were the only regular official returns made by the majority which "*conclude the minority.*" One set was next day deposited in the Prothonotary's office—another handed to the Sheriff, who should have received only the amendments and the County Commissioners, and then another duplicate was sent by mail to the Secretary of the Commonwealth—both of which sets are now in his office.

Six out of seventeen judges, with the city judge then met at about half



past nine in the evening clandestinely, in another part of the building, and from the certificates from seven election districts only, and the city, make out papers, calling them returns, omitting the First District return, and the returns for County Commissioners and Auditor, which last are not required by law to be sent to Harrisburg. These acts are of course all null and void, and, if there were no other returns, these could never be received nor recognized as returns. They were the acts of a minority (who had been concluded by a majority)—not in a meeting of the judges, but done after the regular adjournment of the regular meeting—without notice clandestinely, secretly, in the dead of the night, and after their functions as judges had terminated as to all that was to be done on the third day after the election, which includes the making out of the duplicate returns.

One set of these spurious returns is deposited in the Prothonotry's office, and the other was handed to the Sheriff and was by him sent to Harrisburg by express, and he and the learned Secretary of the Commonwealth deem that this Federal express legalized these bastard returns not knowing that the mail, and not the Sheriff, is the proper conveyance for all but the returns on the amendments.

Such is the paltry farce which has been enacted to create confusion at Harrisburg; and we observe that the Secretary, violating all the rules has declined handing the returns to Mr. Shunk, the Clerk of the House of Representatives, in order that the proper paper may be prepared for the opening of the House. The Secretary who is a mere servant, will find, if he intrudes himself upon the Representatives of the people, or refuses to deliver up papers belonging to them, that he will be treated in such a manner as to form a legislative warning to future Secretaries, or any portion of the Executive branch, which dares to intermeddle with the rights of either branch of the General Assembly.

**WE NOW STATE IT, AND WE CHALLENGE CONTRADICTION, THAT THE GOVERNOR AND THE CANAL COMMISSIONERS, WITH THE AID OF THE SECRETARY OF THE COMMONWEALTH, HAVE BORROWED LARGE SUMS OF MONEY WITHOUT ANY LAW, AND CONTRARY TO LAW; AND THAT THEY HAVE USED THIS MONEY AND THE PUBLIC TREASURE FOR PURPOSES NOT SANCTIONED BY LAW, AND IN VIOLATION OF THE CONSTITUTION, AND OF THEIR OATHS OF OFFICE, AND FOR WHICH THEY ARE LIABLE TO IMPEACHMENT.**

It is this cause, and none other that induces the State Administration, who have been repudiated by the people, to attempt by fraud or force, or both, to overturn the laws of the commonwealth and to threaten to commence a career of revolution, which they will find to their cost can always be better acted by a majority than a minority, and which must end in its actors being confined in the four walls of the Eastern Penitentiary, not during good behavior, but for a term of years.

A word or two as to some election frauds at the last election in the county of Philadelphia. By the Registry Act, an individual's name being on the registry list is CONCLUSIVE EVIDENCE OF HIS RIGHT TO VOTE. This gives rise FIRST, to frauds in making out the assessment by the assessor—secondly, in making out the registry lists—thirdly, in the addition of names, or the refusal of challenges on the days for correcting the registry; and

lastly, on the day of the general election, by individuals personating the names on the registry of persons not in existence, or who are not legal voters, and even of persons who are sick, absent, or who have not voted. The First Ward, Spring Garden, will exemplify nearly all these different modes of abusing the elective franchise. *After the assessor of this ward had returned his assessment to the County Commissioner's office, eighty-five names were added about the 8th or 9th of April, 1838, and not by the assessor.* Of these eighty-five only two were placed on the registry list by the assessor, and of the other eighty-three, eighty never had an existence, or never lived in the First Ward, Spring Garden. Some names such as Flinthian Flow, were evidently fictitious. This fraud was detected and publicly exposed, and it cut eighty-three names from the registry. The assessor then made out the registry list, which was returned to the Sheriff, and by him published. Upon a careful examination of it, it appeared that three hundred and sixty-two names on it were not those of qualified voters, being either not residents of the ward, or not between the ages of twenty-one and twenty-two, as marked on the list. The assessor was called on, and could not give the residences of any of these individuals. A list was accordingly made out of these three hundred and sixty-two names as challenged, and notice of challenge addressed to each were put in the Post Office. Upon Tuesday, the 3d of October, at 10 A. M., the inspectors and the judge who was also the assessor, met at the Commissioner's Hall in Vine Street, to correct the registry. This statement was handed to the inspectors and judge, with the proof of service of notices as above stated, and they were requested either to erase the names, or to mark the letter C opposite to them, so that they might be considered as challenged, and be examined on the day of the election. This was refused on that day, and on the next day also. Eleven of the three hundred and sixty-two were either stricken off as not qualified, or were ascertained to be qualified voters, and the challenges withdrawn. This left three hundred and fifty-one names which the inspectors and judge refused to strike off, or to mark the letter C opposite to. On Thursday the 5th of October, on affidavit filed, a mandamus was granted, directed to the inspectors and judge, by the court of Common Pleas, returnable on Saturday, the 7th of October. On that morning, the respondents appeared by counsel, and it was agreed that they should file an answer, and that the question should be argued on Monday, the 9th. It was accordingly argued by John M. Read, Esq., for the relator, and F. W. Hubbell, Esq., for the respondents. Mr. Read was stopped in reply, and Judge King delivered at once the unanimous opinion of the Court, that the inspectors and judges were bound to put the letter C opposite to each name on the list thus challenged. This was accordingly done. Of the three hundred and fifty-one names thus challenged, only thirty-seven appeared to vote on the day of election, and three of these were rejected. **THE BALANCE, 314, NEVER APPEARED AT ALL, being men of straw they were cut off by this terrible letter C.**

In 1837, the whole number in this ward on the corrected registry

list, was

876

In 1838, it was

1,317

And the whole number of votes polled, was

816

Leaving

501

unaccounted for, of which the three hundred and fourteen was a large component part.

It was proved by three of the witnesses examined before the return judges on the 12th October, that, at about half past eight o'clock in the evening of the general election (ninth) one of the clerks (the judge, inspectors and other clerk, not being at the window) of the first ward of Spring Garden, had his hand full of tickets, and that he leaned over the Congress box, and appeared to put something in with one hand, and take something out with the other. His face was flushed, and he appeared to be satisfied of his own guilt. The witnesses also stated that he was the same person who was believed to have cheated in a former election in the Fourth Ward.

At the close of the polls, when the judge came to close the boxes, there were three tickets lying between the Congress box and the Inspector's box. The judge said to one of the witnesses, here, take these—I don't want them. One of the tickets appeared to have been voted, and was torn a little—it was for Charles J. Ingersoll; the other two were for Charles Naylor, and appeared to have been voted.

In the Sixth and Seventh Wards of the Northern Liberties, the Democratic Inspectors and Assessors were elected this fall by large majorities. The County Commissioners, according to law, published the Assessors elected——— the Sheriff published the Federal Inspectors as elected. Upon inquiry, he has not the original return sent to him according to law, and which is a record in his office; and it is believed that it was sent to the Printer, who either wilfully or ignorantly made a mistake, *which the Sheriff had never corrected.*

The Commissioners of Philadelphia county following the Federal Judges' example, have appointed, contrary to law, an Assessor in the place of the legally elected Democratic Assessor of West Philadelphia.

We now close this long exposition of facts in a case of vital importance to the people of Pennsylvania, by annexing table C, being an entire return of the whole county vote, including the Northern Liberties, which shows that the Democratic Senators and Representatives have been elected by a clear majority of the electors even with the illegal returns from that district.\*

\* NOTE—By an error of addition, the Kensington certificate gave Messrs. Hanna and Wagner, one hundred more votes than they received in that district. This correction being made, Mr. Brown has in the whole county, including the Northern Liberties 671 majority over Mr. Hanna; and Mr. Stevenson, 615 majority over Mr. Wagner.

TABLE A.  
OFFICIAL—PHILADELPHIA COUNTY.

CANDIDATES.	Spring Garden.	Kensington.	Southwark.	Moyamensing.	Passyunk.	Kingsessing.	Blockley.
GOVERNOR.							
David R. Porter	1330	1792	1635	434	156	137	209
Joseph Ritner	1639	899	1003	427	54	51	208
SENATE.							
Charles Brown	1356	1787	1541	422	155	136	206
Samuel Stevenson	1355	1783	1539	421	155	136	207
James Hanna	1612	995	1090	415	54	48	208
William Wagner	1612	996	1093	422	54	48	207
ASSEMBLY.							
Charles Pray	1337	1799	1562	381	153	138	207
John W. Ryan	1339	1787	1542	359	152	138	206
Miles N. Carpenter	1334	1801	1560	380	153	138	207
Thomas H. Brittain	1337	1801	1565	401	153	138	207
Abraham Helfenstein	1338	1786	1547	368	153	138	207
John W. Nesbit	1341	1789	1534	363	153	138	206
Thomas J. Heston	1339	1788	1534	367	153	137	212
Benjamin Crispin	1329	1804	1561	400	153	138	207
Michael Day	1634	875	1082	466	57	50	208
Adam Woelpper	1643	897	1119	490	57	50	206
Wm. F. Hughes	1640	895	1120	499	58	50	208
Wm. Lloyd	1637	880	1092	466	57	50	206
Wm. J. Crans	1641	895	1133	510	56	50	207
Samuel F. Reed	1642	896	1112	523	56	50	207
B. R. Mears	1637	880	1092	466	57	50	208
J. F. Smith	1637	821	1092	495	57	50	206
SHERIFF.							
Daniel Smith	1441	1809	1599	471	154	138	210
I. W. Norris	1440	1808	1600	471	154	138	210
Daniel Fittler	1534	870	1052	385	54	49	207
Thomas Hart	1521	870	1051	384	54	49	207
AMENDMENTS.							
Against	1477	635	912	108	23	33	188
For	1420	1726	1645	598	150	139	219
COUNTY COMMISSIONER.							
William Piersol	1382	1797	1521	457	153	138	209
J. Johnson	1590	898	1091	399	5	49	205
AUDITOR.							
Robert F. Christy,	1380	1787	1501	448	15	136	211
G. Norton	1637	887	1118	396	5	49	204

Roxborough.	German town.	Bristol.	Lower Dublin, Ryberry and Moreland.	Oxford.	Unincorporated Northern Liberties.	North Penn Township.	South Penn Township.	West Philadelphia.	TOTAL.	City.	TOTAL. City and County.
393	381	128	384	228	271	266	115	123	7982	3156	11,138
308	481	147	348	277	128	47	90	89	6187	7203	13,390
405	363	126	378	229	267	268	118	123	7880		
405	363	126	377	229	267	268	118	123	7870		
298	500	144	347	274	124	44	88	89	6330		
298	502	144	348	274	124	44	88	89	6343		
406	381	123	381	223	271	267	119	122	7870		
406	381	123	381	224	271	267	119	121	7817		
405	379	123	382	226	272	266	119	121	7869		
406	382	123	382	226	271	267	119	121	7899		
406	382	123	383	222	277	267	119	121	7837		
406	382	123	381	224	271	267	119	121	7818		
403	381	123	381	224	271	267	118	121	7819		
406	381	123	407	225	271	267	119	121	7922		
301	482	144	340	279	122	47	86	88	6262		
301	481	145	341	277	123	47	86	91	6354		
301	481	145	313	277	123	47	86	91	6364		
301	481	145	340	277	123	47	86	91	6279		
301	481	145	334	277	123	47	86	91	6376		
301	481	145	336	276	123	48	86	91	6373		
301	482	142	339	277	122	47	86	91	6277		
301	481	145	331	287	117	47	86	91	6275		
408	390	133	377	232	282	282	125	123	8164	3396	11,560
408	390	133	377	234	282	273	125	123	8163	3378	11,541
290	477	139	339	271	113	41	78	88	5987	5900	12,887
290	477	139	339	270	113	40	78	80	5962	6880	12,842
277	435	166	286	283	111	67	72	79	5172	6792	11,964
418	407	62	339	208	268	239	128	127	8093	3312	11,415
405	385	124	377	222	271	267	118	124	7950	3234	11,184
295	470	145	336	282	122	42	89	87	6150	6074	13,229
406	391	123	373	222	271	254	119	122	7860	3472	11,038
299	469	144	336	276	120	46	88	90	6195	7094	13,287

## B.—RETURN OF THE SIX JUDGES.

CANDIDATES.	Spring Garden,	Moyamensing,	Blockley,	Germanatown,	Bristol,	Oxford,	N. Liberties,
GOVERNOR.							
David R. Porter,	1330	434	209	381	128	228	2173
<i>Joseph Ritner,</i>	1630	427	208	481	147	277	3112
SENATE.							
C. Brown,	1356	422	206	363	126	229	2156
S. Stevenson, in place							
of A. M. Peltz, dec'd.	1353	421	207	363	126	229	3140
<i>J. Hanna,</i>	1612	415	208	500	144	274	3135
<i>W. Wagner,</i> in place							
of A. M. Peltz, dec'd.	1612	422	207	502	144	274	3147
ASSEMBLY.							
Charles Pray,	1337	381	207	381	125	223	2260
J. W. Ryan,	1339	359	206	381	123	224	2125
M. N. Carpenter,	1334	380	207	379	123	226	2165
T. H. Brittain,	1327	401	207	382	123	226	2173
A. Helfenstein,	1338	368	207	282	123	222	2131
J. W. Nesbit,	1341	363	206	382	123	224	2131
T. J. Heston,	1339	367	212	381	123	224	2133
B. Crispin,	1339	400	207	381	123	225	2174
<i>Michael Day,</i>	1634	466	208	482	144	279	3213
<i>Adam Woelpper,</i>	1643	490	206	481	145	277	3184
<i>Wm. F. Hughes,</i>	1643	499	208	481	145	277	3182
<i>Wm. Loyd,</i>	1637	466	206	481	145	277	3143
<i>Wm. J. Crans,</i>	1641	510	207	481	145	277	3181
<i>Samuel F. Reed,</i>	1642	523	207	481	145	276	3181
<i>Benjamin R. Mears,</i>	1637	466	208	482	142	277	3134
<i>Jesse F. Smith,</i>	1637	465	206	481	145	287	3151
SHERIFF.							
Daniel Smith,	1441	471	210	390	133	232	2287
Isaac W. Norris,	1440	471	210	390	133	231	2283
<i>Daniel Fuller,</i>	1534	385	207	477	139	271	2951
<i>Thomas Hart,</i>	1521	384	207	477	130	270	2953
AMENDMENTS.							
For,	1420	598	219	407	62	209	2111
Against.	1477	108	188	435	166	283	2980

Kensington, Southwark, Passyunk, Kingsessing, Roxborough, Lower Dublin, By- berry and More- land Unincorporated N. Liberties, N. Penn Township, S. Penn Township, West Philadelphia.	TOTAL.	City	TOTAL City and County.
	4885 6282	3156 7203	8041 13485
	4858		
	4839 6288		
ABOVE TEN DISTRICTS OMITTED BY  THE SIX JUDGES.	6308  4912 4757 4814 4849 4771 4770 4779 4849 6346 6426 6432 6355 6422 6455 6346 6372		
AND NO RETURNS FOR COUNTY  COMMISSIONER OR AUDITOR.			
	5164 5158 5964 6951	3396 3378 6090 6980	8560 8536 12864 12831
	5025 5637	3322 6792	8347 12429

C.—RETURN OF WHOLE COUNTY.  
INCLUDING REJECTED DISTRICT.

	Spring Garden.	Kensington.	Southwark.	Moyamensing.	Passyunk.	Kingsessing.	Blockley.	Roxborough.
<b>GOVERNOR.</b>								
David R. Porter	1330	1792	1635	434	156	137	209	393
Joseph Ritner	1630	899	1003	427	54	51	208	308
<b>SENATE.</b>								
C. Brown	1356	1787	1541	422	155	136	200	405
S. Stevenson	1353	1783	1539	421	155	136	207	405
James Hanna,	1612	995	1090	415	54	48	208	298
Win. Wagner	1612	996	1093	422	54	48	207	298
<b>ASSEMBLY.</b>								
Charles Pray	1337	1799	1562	381	153	138	207	406
John W. Ryan	1339	1787	1543	359	152	138	206	406
M. N. Carpenter	1334	1804	1560	380	153	138	207	405
B. Crispin	1339	1804	1561	400	153	138	207	406
T. H. Brittain,	1337	1801	1565	401	153	138	207	406
A. Helfenstein	1338	1786	1547	368	153	138	207	406
J. W. Nesbit	1341	1789	1534	363	153	138	206	406
T. J. Heston	1339	1788	1534	367	153	137	212	403
Michael Day	1634	875	1083	466	57	50	208	301
A. Woelpper	1643	897	1119	490	57	50	208	301
Wm. F. Hughes	1640	895	1120	499	58	50	206	301
Wm. Lloyd	1637	880	1092	466	57	50	206	301
Wm. J. Crans	1641	895	1133	510	56	50	207	300
S. F. Reed	1642	896	1112	523	56	50	207	301
B. R. Mears	1637	880	1092	466	57	50	208	301
J. F. Smith	1637	882	1092	465	57	50	306	301
<b>SHERIFF.</b>								
D. Smith	1441	1809	1599	471	154	138	210	408
I. W. Norris	1440	1808	1600	471	154	138	210	408
D. Fidler	1534	870	1052	385	54	49	207	290
Thomas Hart	1521	870	1051	384	54	49	207	290
<b>AMENDMENTS.</b>								
Against	1477	655	912	108	23	33	188	277
For	1420	1726	1645	598	150	139	219	418
<b>COUNTY COM'R.</b>								
W. Piersol	1382	1797	1521	457	153	138	209	405
J. Johnson	1590	898	1091	399	56	48	205	295
<b>AUDITOR.</b>								
R. F. Christy	1350	1787	1501	448	152	136	211	406
G. Norton	1617	887	1118	396	54	49	204	299



German town.	Bristol.	Lower Dublin, Byberry and Moreland.	Oxford.	Unincorporated Northern Liberties.	North Penn Township.	South Penn Township.	West Philadelphia.	Northern Liberties.	Total.	CITY.	TOTAL. City and County.
381	128	384	228	271	226	115	123	2175	16157	3156	13313
481	147	348	277	128	47	90	89	3112	9299	7203	16502
363	126	378	226	267	268	118	123	2156	10036		
363	126	377	229	267	268	118	123	2140	10010		
500	144	317	274	124	44	88	89	3135	9465		
502	144	348	274	124	44	88	89	3147	9490		
381	123	381	223	271	267	119	122	2260	10130		
381	123	381	224	271	267	119	121	2125	9942		
379	123	382	223	272	266	119	121	2165	10034		
381	123	407	225	271	267	119	121	2174	10096		
382	123	382	226	271	267	119	121	2173	10072		
382	123	383	222	277	267	119	121	2131	9968		
382	123	381	224	271	267	119	121	2131	9949		
381	123	381	224	271	267	118	121	2133	9952		
482	144	340	279	122	47	86	88	3213	9395		
481	145	341	277	123	47	86	91	3184	9538		
481	145	343	277	123	47	86	91	3182	9546		
481	115	340	277	123	47	86	91	3143	9422		
481	145	334	277	123	47	86	91	3181	9557		
481	145	336	276	123	48	86	91	3181	9554		
482	142	239	277	122	47	86	91	3134	9411		
481	145	331	287	117	47	86	91	3151	9426		
390	138	377	232	282	272	125	123	2287	10451	3396	13847
390	133	377	231	282	273	125	123	2283	10446	3378	13824
477	139	339	271	113	41	78	88	2951	8938	6900	15838
477	139	339	270	113	40	78	88	2953	8925	6880	15805
435	166	386	283	111	67	72	79	2980	8152	6792	14944
407	62	336	208	268	269	128	127	2111	10204	3322	13526
385	124	377	222	271	267	118	124		7950	3234	11184
470	145	336	282	122	42	89	87		6155	7074	13229
391	123	373	222	271	254	119	122		7866	3172	11038
469	144	336	276	120	46	88	90		6193	7094	13287

The foregoing pamphlet was published in the "Harrisburg Reporter" of Friday, the 30th of November, 1838, *four days* before the meeting of the Legislature of Pennsylvania in the State Capitol at Harrisburg; on the first Tuesday (the 4th) of December. It was placed in the hands of all the members of both Houses—it *shewed conclusively*—THE LAW TO BE:

1st—That there were *seventeen Election Districts* in the County of Philadelphia, of which six, to wit: *Spring Garden, Kensington, Lower Dublin Byberry and Moreland, Oxford, Unincorporated Northern Liberties, and Incorporate! Northern Liberties*, formed the third congressional district, and the remaining eleven, to wit: *Southwark, Moyamensing, Passyunk, Kingsessing, Blockley, Roxborough, Germantown, Bristol, North Penn Township, South Penn Township, and West Philadelphia*, formed the first congressional district. The *seven districts in Italics* being *Federal* and represented by *Federal Judges*, and the other ten districts being *Democratic*, and represented by *Democratic Judges*.

2nd—That each election district sends one return judge to the meeting of the return judges at the State House in the City of Philadelphia, on Friday the 12th of October, being the third day after the election, and the city of Philadelphia also forms an election district, and sends one return judge to this meeting, who joins in those returns in which the City and County have a joint vote.

3d—That of the judges so met, "as in all matters of public concern the voice of the majority must govern,"—and the act of "*the majority must conclude the minority*,"

4th—That the return judges, or a majority of them so met, make out duplicate returns for Governor, Senate, House Representatives, Members of Congress, and sheriff; deposit one set of each in the Prothonotary's office of the County, and the other set, properly directed, is put under a sealed cover, directed to the Secretary of the Commonwealth, and placed by the Judges in the nearest Post Office, *and that the Sheriff has nothing to do with any of these returns*, and that the Secretary is a mere servant, or like a Postmaster, through whom the returns are to be passed, to the bodies or persons to whom the Law directs their delivery.

5th—That the same judges make out duplicate returns for and against the amendments, one set is deposited in the Prothonotary's office, and the other is handed to the sheriff, who transmits it to the Secretary of the Commonwealth, *and this is the only return which is to be sent to Harrisburg, with which the Sheriff can intermeddle at all*.

6th—That the same judges make out duplicate returns for County Commissioner, one is deposited in the Prothonotary's office, and the other is handed to the Sheriff, who is bound to hand it over to the Clerk of the Court of Quarter Sessions—and that the judges make out only one return for County Auditor, which is deposited in the Prothonotary's office. And that a notice, in writing, of his election, and a certificate of the returns of his election signed by the Judges, are given to each of the members elect.

AND IT THEN SHOWED CONCLUSIVELY, THE FACTS TO BE:

1st—That the seventeen Return Judges from the seventeen election districts of the County, and the Return Judge from the City of Philadelphia, met at the State House, in the City of Philadelphia, on Friday the

12 of October 1838, and organized by the appointment of a Chairman and two return clerks.

2d.—That after an examination of several witnesses, and the hearing of counsel on both sides, the return or certificate from the incorporated Northern Liberties was rejected by the Judges. ON ACCOUNT OF FRAUD, by a vote of Ten to Seven.

3d.—That the Judges then called for the Certificate from the City, and the other sixteen election districts, they were read off by the respective judges, and entered upon regular tally-lists by the Clerks, the additions made, and duplicate returns made out for Governor, Senate, House of Representatives, Members of Congress, Sheriff, Amendments, and County Commissioner, and a single return for County Auditor, which were signed by the Ten Judges.

☞ Table (A) shows the particulars of these Official Returns.

4th.—That all the Judges were present, whilst these official returns were signed, and remained in the room until the adjournment took place at 8 o'clock in the evening.

5th.—That Six of the Federal County Judges, and the City Judge, met CLANDESTINELY in another room up stairs, at about half-past nine o'clock the same evening, made out the additions of votes in the seven Federal Districts of the County, and in the City, and made out spurious returns for Governor, Amendments, Senate, House of Representatives, and Sheriff, comprising only the votes in these Seven Districts of the County and omitted entirely the Ten Democratic Districts. They made out no pretended returns for County Commissioner or Auditor.

☞ For these Spurious Returns see Table (B). ☞

☞ NOTE.—The Blockley vote was taken, not from the Blockley Certificate, but from the tally-lists which were in the possession of Mr. Robbins, one of the Clerks, and from the same papers the Six Judges could have taken the votes of the other Ten Districts.

6th.—That these spurious papers were signed AFTER MIDNIGHT by this minority Rump, handed to the Sheriff who attended to do their bidding, and were by him sent to Harrisburg early on Saturday morning, by an Express Locomotive.

7th.—That of the regular official returns signed by the Ten Judges, one set was deposited by the Chairman of the return judges, in the Prothonotary's Office, on Saturday morning the 13th of October, and the other set was handed to the Sheriff's deputy, for the Sheriff, on the same morning, by the same Gentleman. The Sheriff sent these returns also to Harrisburg, and they regularly reached the Secretary of the Commonwealth, and were deposited in his office.

8th.—That another set of duplicate returns for Governor, Amendments, Congress, Senate, House of Representatives, and Sheriff, were made out by the Ten Return Judges, placed under a sealed cover, directed to the Secretary of the Commonwealth, and placed in the Post Office of the City of Philadelphia. These also were delivered to the Secretary, and are in his office.

9th.—That each member of the Senate and House, received a notice in writing of his election, and also a certificate of the returns of his election, signed by the Ten Judges.

10th.—That including the illegal returns from the Incorporated Northern

**Liberties**—the two Democratic Senators, and the eight Democratic Representatives, were elected by a clear majority of the electors, in the County, including this rejected district.

See Table (C) for the particulars of the returns of the whole County, including the Incorporated Liberties.

11th—That the Federal County Commissioners, and Federal County Auditor, hold their seats only by the returns made by the Ten Judges, as also must the Sheriff.

12th—That the Six Federal County Return Judges, and the Federal City Return Judge, have rendered themselves liable to indictments for PERJURY, WILFUL FRAUD, and CONSPIRACY in making out these false and spurious returns.

12th—That gross frauds were attempted in the First Ward Spring Garden.

**THE RESULTS OF THIS CONSPIRACY, OF THE SIX FEDERAL COUNTY RETURN JUDGES AND THE FEDERAL CITY RETURN JUDGE WERE AS FOLLOWS.**

That Joseph Ritner, Governor of Pennsylvania, Thomas H. Burrowes, Secretary of the Commonwealth, Thaddens Stevens, President of the Board of Canal Commissioners, and Charles B. Penrose, Speaker of the Senate; agreed and determined.

1. That Burrowes should withhold all the returns of the majority, and send into the Senate, and House, only the false returns of the minority.

2. To organize a *Rump House* with 44 whigs, and the 8 whigs who were not elected from the County of Philadelphia. The Senate to swear in Messrs. Hanna and Wagner, *forthwith*; and then the Senate and Governor to recognize the Rump House, and as a Legislature proceed to pass laws. To legalize illegal and unconstitutional loans. To cover over the illegal use made by the State Administration, of the public treasure. To continue the Board of Canal Commissioners, and the Gettysburg Rail Road, and if Governor Porter could not be cheated out of his election; then, to strip him at once of all power, and patronage; and lastly to increase the capital of the Bank of the United States.

3. That in pursuance of this conspiracy, thus framed by the State Administration, and agreed to in CAUCUS,

MR. STEVENS disorganized the House of Representatives, by electing a minority Speaker,

MR. PENROSE swore in Messrs. Hanna and Wagner, as members of the Senate, and

MR. FRALEY of the city of Philadelphia, commenced reading a preamble and resolution, recognizing the *rump minority house*. The last was not done, because Messrs. Penrose, Fraley & Co., became alarmed at the consequences of their own schemes. Frustrated in this attempt, Governor Ritner issued his famous proclamation of the same day, (4th December,) his Penrose order of the 5th, to General Patterson, wrote to Captain Sumner, of the United States Dragoons, for his corps; and then sent HIS Speaker of the Senate, and Major General Samuel Alexander, to supplicate him for mercy's sake to come to his assistance; made an unconstitutional requisition on the President for troops, and received a constitutional answer; and in direct violation of the Constitution and the laws of the State, brought on the Sabbath, one thousand armed soldiers to Harrisburg, to overawe the House of Representatives.

5. Mr. Speaker Penrose, under military protection, committed two gross frauds upon Philadelphia County, the elective franchise, and the people of the state, by declaring as official, the spurious minority return of the seven districts, making the majority in the city and county Against the amendments, 4082

Instead of only 1418 ——— difference 2664

And against Governor Porter, 5444

Instead of only 3189 ——— difference 2255

6. The final result has been the recognition of the House by the Senate and Governor, and the forced resignation of Mr. Wagner, and the rejection of Mr. Hanna; both pocketing pay and mileage, for disturbing the peace of the Commonwealth, having first sent the following letter to the Senate,

“ SENATE CHAMBER, }  
8th December, 1838. }

The subscribers, Senators from the Second Senatorial district, respectfully representing to the Honourable, the Senate, *that in their opinion, no honourable man, so long as any doubt exists as to the validity of the election or the truth of the return by which he holds his seat in the Senate*, would be disposed to exercise any of his functions as a Senator, request that they may be permitted to decline participating in the proceedings of the Senate until all doubt that *may be professed as to their right to do so shall be removed.*”

WM. WAGNER.

JAS. HANNA.”

And then four days afterwards moved to dissolve Hanna's committee, because Wagner's name was not put into the box, so that he might be a judge in fact in his own case, and voted on all occasions, and particularly against the recognition of the House, by the Senate, on the 25th December.

*Mr. Hanna's Committee made the following report.*

“ The committee to whom was referred the petition of citizens of the county of Philadelphia, contesting the validity of the return and election of James Hanna to a seat in the Senate of Pennsylvania, Report: That they have had the subject under consideration from day to day, since the day of their appointment; and have given the fullest opportunity to all parties, for a fair and full investigation, and after examining the necessary papers and ballot boxes, and after having heard all the evidence of the parties, are fully satisfied that the *return under which James Hanna took his seat is invalid, inasmuch as it contains but seven out of the seventeen Election Districts of the county of Philadelphia, and was signed but by six of the seventeen return Judges of said county*; and they are furthermore satisfied that Charles Brown received at the last General Election the highest number of legal votes for Senator for said County, viz: *six hundred and seventy-seven votes more than the said James Hanna*. The Committee therefore report that the *return on which James Hanna took his seat was invalid*, and that the said Charles Brown having received the highest number of legal votes given at the late General election for Senator for the county of Philadelphia, is entitled to his seat.

CHARLES FRAILEY,  
SAMUEL HAYS,

JOHN MILLER,  
E. KINGSBURY, Jr.  
DAVID FULLERTON.”

Mr. Hanna having withdrawn from the contest; Mr. Brown could not go into the investigation of the frauds in the three Federal Districts of Spring Garden, Northern Liberties, and Moyamensing. These will be the subject of a thorough investigation; one fact alone proves gross fraud:—In the First ward Northern Liberties, the taxables were 687 and the votes 704—103 per cent on the taxables. Governor Ritner has rewarded Messrs. Hanna, Badger and Corfield, by appointing them to offices in the row, for services at the late election.

Such is the history of the RUMP rebellion of Pennsylvania, caused by seven Federal return judges, and ten Federalists who went to take forcible possession of seats to which they knew, they were neither *returned nor elected*.

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## ADDRESS.

### TO THE PEOPLE OF PENNSYLVANIA.

#### FELLOW CITIZENS:

Although the scene of popular commotion and excitement witnessed in the capitol of our Commonwealth during the past few days, indefinite and contradictory accounts whereof have doubtless reached you, have by no means subsided, the undersigned, acting on behalf of the vast concourse of citizens here assembled, feel it their duty to present you with a plain unvarnished statement of occurrences, together with the causes which have unquestionably produced them.

The immediate source, to which may be traced with unerring correctness the events which as freemen who cherish with solemn regard the perpetuation of our free institutions, we so deeply deplore, is here—by individuals, who have had the mortification to witness them universally found in the high hand and iniquitous CONSPIRACY of those who but recently have been condemned by a vast majority of your suffrages—a conspiracy, having for its immediate aim and purpose the overthrow of that first principle of government so long recognized as indispensable and sacred—THE RIGHT OF THE MAJORITY TO GOVERN.

It is superfluous, Fellow Citizens, to travel back to the incipient stages of the conspiracy alluded to. We all—yea every freeman of the Commonwealth, who reads and reflects, has heard and knows, that at the election held in October last, the candidates selected by the democratic part of the county of Philadelphia, as members of the Senate and House of Representatives, were duly chosen as such by a MAJORITY of her citizens. In ordinary seasons, this undisputed FACT, resting as it does upon the intelligence of every freeman of the state—would have been sufficient to secure to the candidates thus legitimately chosen, their seats, despite every legal technicality that might or could have been raised, not by the people themselves, but by a band of artful demagogues, bent upon naught but the prevention of the PUBLIC WILL. The grasping power of Federalism, emboldened by the success of similar effrontery in other States, has, how-

ever, reared its hideous head in the Keystone of the arch—and we have beheld the disgusting, yea, almost intolerable spectacle, of six out of the seventeen return judges of the election district alluded to, falsely certifying to the return of two members of the Senate, and eight of the House of Representatives,—thus constituting themselves into an unlawful tribunal, for the purpose of foisting upon us, as representatives, men who themselves privately admit, failed in obtaining a majority of the suffrages of those, to whose decision they had consented to submit their claims.

Again we have been the astounded witnesses to the mortifying spectacle, that the secretary of the commonwealth has *withheld* from the people's representatives the only true and legal returns of said district made in accordance with law, signed by a MAJORITY of the return judges, in direct and daring violation of those laws which he, as an officer of the commonwealth, had solemnly sworn to support—and to cap the climax of iniquity, we have beheld the speaker of the senate, with a majority of supple cohorts at his will, adopt this suppression of the legal returns as a pretext for the admission of the senators not chosen by the will of the majority—a measure to which, as the voice of truth, but too plainly assure us *the speaker himself is privy counsellor and abettor*—while, in another instance (that of the Huntingdon district,) we have beheld the same secretary present ALL the returns in his possession, (of whatever character,) thus further striving to consummate his nefarious projects by making a dishonorable, unjust and unlawful distinction between the two. Further, we have beheld in the House of Representatives, that prime mover in the drama which was to shift from the public gaze their dearest rights—*That I- deus Stevens*—we have beheld him, with his well trained instruments at his side, in the first instance strive for the admission of eight Representatives upon the fraudulent returns alluded to—and, foiled in this, as if to build up for himself a monument of infamy, we find him openly, with the light of Heaven beaming upon his guilty countenance, daringly and wantonly DISSOLVING THE GOVERNMENT, by organizing his own immediate followers *separately*, in a manner unknown to the constitution, unauthorized by any recognized or written law, and foreign to every principle of justice. Thus virtually USURPING powers, for which he has not the shadow of authority.

These, Fellow citizens, are the causes of the unusual turmoil and commotion, which we, in common with every well-wisher of the commonwealth, so deeply deplore. They are the natural, inevitable result of that stupendous system of FRAUD, which is sanctioned by not a solitary consideration of right but unblushingly seeks to divest you of that inalienable privilege, which in the language of the Declaration of Independence, "is inestimable to freemen and formidable to tyrants only"—the sacred RIGHT OF CHOOSING YOUR OWN RULERS, and which, if consummated with impunity, will render our elective franchise "a rope of sand"—and the result of our elections *subject to the will of the Secretary of State!!*

Speaking in behalf of the immense concourse of citizens here assembled, a sense of duty constrains us to state, that their conduct throughout the whole of the prevailing excitement, has been uniformly characterized by a strict regard for the public welfare, for the protection of which they have repaired to the seat of government. No violence has been used

towards any of their representatives; the public property, in which we have a common interest, has been sedulously protected—and even the **CONSPIRATORS** against your rights, have had naught to fear, save the reproach of a condemning conscience, and the self-convicting evidence of **GUILT**. The **PEOPLE**—for such, emphatically, are here—deny the imputation that they have sought to upset the government of their choice; on the contrary, their every effort has been directed to **UPHOLD** it.—They have, however, sought, and they will ever seek, to prevent a spurious, self-constituted power, from **USURPING** the places of their lawgivers, legitimately chosen, and to prevent, by resistance such as becomes the Freemen of a sovereign State each or any of us from becoming the tributary vassals of AN **HUMBLE SECRETARY**—he, too, a functionary, whose condemnation has been but recently so triumphantly recorded.

**FELLOW CITIZENS**—in conclusion, accept our heartfelt, earnest and sincere assurances that on the parts, of the citizens here assembled, nothing has been done, nothing will be done, subversive of social order or destructive of your civil privileges. Our, and we trust your unalterable purpose is, and ever shall be, to do naught that may be deemed hostile to our free institutions, but every thing for their maintenance—not by scenes of violence and force to intimidate your representatives, but by a peaceful and determined assertion of right, to protect them in their efforts to secure you and us from the iniquitous assumptions of a reckless minority, urged by the iron mandate of a band of desperate adventurers, intruders upon your soil, who would vainly seek to wrest the *elective franchise* from your possession. Our, and we trust your firm resolve is, and ever shall be:—“*to ask for nothing that is not clearly right, and to submit to nothing that is wrong.*”

Your fellow citizens,

Adam Diller, Lancaster, <i>Chairman</i> .	G. W. Kline, Lebanon,
W. Foulk, Cumberland.	J. Marshall, Berks county,
J. W. Griffith, Phila. county,	Lewis Coryell, Berks county,
W. C. Rice, Philadelphia county,	Chas. Nauman, Lancaster county,
Luther Kidder, Luzerne county,	Alexander Small, York,
Wm. N. Irwin, Adams,	John S. Ingram, Schuylkill county,
Wm. J. Leiper, Philadelphia,	John Youngman, North'd. county,
Edwin W. Hutter, Lehigh county,	John R. Dean, Luzerne county,
John A. White, Philadelphia,	John F. Smith, Reading,
V. E. Piolet, Bradford county,	Wm. B. Hunt, Phila. county,
John J. Heintzleman, Phila. co.,	Adam J. Glossbrenner, York,
Martin Dunlap, Cumberland co.,	Jeddiah Irish, Northampton county,
Geo. Stroop, Perry county,	Joseph H. Newbold, Phila. city,
Wm. Reily, Dauphin county,	Thomas O'Bryan, Perry,
Chas. A. Koehler, Phila. county,	Wm. Donelson, Columbia county,
Geo. W. Boyer, Dauphin county,	George Swope, Adams county,
T. C. Miller, Adams county,	Thomas Hastings, Jefferson co.,
John Snyder, Union County,	John Savage, Philadelphia city,
H. B. Packer, Lycoming county,	James Black, Perry county.



## SHERIFF'S OFFICE,

Borough of Harrisburg, Dec. 8, 1838. }

I WILLIAM COCHRAN, High Sheriff of the county of Dauphin, in the Commonwealth of Pennsylvania, having received by the hands of the Deputy Secretary of the Commonwealth, a copy of a proclamation issued by Joseph Ritner, Governor of this Commonwealth, dated the 4th day of December, 1838, in which he declares that a lawless, infuriated, and armed mob has assembled at the seat of government, with the avowed object of disturbing, interrupting and overawing the legislature, and preventing its proper organization, and the peaceable and free discharge of its duties; and also, that said mob has threatened violence and death to the members of the legislature and other officers of the Commonwealth; and that it still remains in force here, setting the law at open defiance, and rendering it unsafe for the legislative bodies to assemble at the capitol; and, therefore, calling upon the civil authorities to exert themselves to restore order to the utmost of their power, and upon the militia force to hold themselves in readiness to repair to the seat of government—and upon all good citizens to aid in curbing this lawless mob—and in reinstating the supremacy of the laws; have deemed it my duty as the principal peace officer of the county, to state briefly the facts relative to the alleged disturbance of the public peace at Harrisburg, as far as I am acquainted with the same.

I have been in and about the Borough of Harrisburg, during the whole of the present week, and have met and mingled with the citizens of this Commonwealth, assembled at Harrisburg to witness the organization of the legislature, both in and about the town, and at different periods on Tuesday and Wednesday, in and about the capitol; and I have not seen nor heard of any “infuriated mobs,” or riotous proceedings, which required my interposition, to preserve the peace. It is true I learned that there was some uproar and confusion in the chamber of the Senate on Tuesday, and in the House of Representatives on Wednesday; but both these bodies possess, under the constitution and law, ample power to preserve the peace and keep order within their respective houses. I neither witnessed nor heard of any proceedings there which rendered it necessary for me to interfere. I have heard of no threats against any man’s life or property; nor has the Governor any of his friends, or any of the members of the Legislature, called on me to aid in preserving the peace, or in protecting their persons or property against violence. I have been at all times ready and anxious to preserve the peace and quiet of the borough of Harrisburg, and I have no doubt but that any moment when my services might have been required to prevent disorder and violence. I should have found abundant power to sustain my efforts, in the coolness, firmness, independence, intrepidity and patriotism of the citizens of Dauphin county. I have seen no occasion to call upon the civil authorities, of other counties, or upon the military force of the commonwealth, to quell mobs, or riots; and am of opinion, that at no time during the present month, has there existed any danger which would require a civil or military force to repel it. I make the statement both in justice to myself, and to prevent unnecessary excitement in remote parts of the commonwealth.

[L. S.] Given under my hand and seal at Harrisburg, the day and year aforesaid.

WILLIAM COCHRAN.  
High Sheriff of Dauphin County.

## ADDRESS

### TO THE FREEMEN OF THE COMMONWEALTH OF PENNSYLVANIA.

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WE, the democratic members of the Senate and House of Representatives of Pennsylvania, are reduced to the painful necessity of calling your attention to the deplorable condition to which the affairs of this Commonwealth are reduced, by the insane efforts of a few unprincipled men, striving to retain the power which a majority of the people have solemnly decided they must lay down.

In doing this we will be as brief as possible. Knowing that neither argument nor exciting appeals are necessary to call you to the support of the Constitution—the laws and the legally constituted government of the State, we shall use none of these. A correct knowledge of the facts is all that is necessary to enable the most obtuse intellect to arrive at just conclusions, and we shall, therefore, confine ourselves to the simple recital of those facts. Before proceeding to do so, we claim your confidence in the truth of our narration, for we shall “nothing extenuate, nor ought set down in malice.” That you may the better comprehend the full extent to which the Constitution has been infringed, and the laws trampled upon, by individuals claiming to represent a majority of the people in the Executive and Legislative departments of the Government, it becomes necessary to bring to notice some events which occurred prior to the assembling of the Legislature. These may be known to most of you, as for some time they have engaged the public mind with painful intensity: to others they may not be so familiar.

The county of Philadelphia is divided into seventeen election districts, and is entitled to elect eight members to the House of Representatives, and two members to the Senate, of this State. In pursuance to the directions of the laws relating to the subject, one return judge from each of these seventeen districts met on the 12th day of October last, at Independence Hall, in the State House in Philadelphia, for the purpose of casting up the votes given to each candidate, in the county, and to make out the proper return. The judges being thus assembled, in the discharge of a highly responsible and solemn duty, to be executed under the sanction of an oath or affirmation, proceeded to the exercise of their functions. A question having arisen as to the legality of the election held in the incorporated part of the Northern Liberties, being one of the seventeen districts, after examining witnesses and having the argument of counsel, a majority of the return judges, being ten of the seventeen, decided that the returns of the incorporated Northern Liberties could not be received. In point of law this decision may have been erroneous, and may be so conceded, as it in no wise affects the undoubted and indisputable election of the Democratic candidates for seats in the Senate, and House of Representatives, as will hereafter be shown. After this decision, the judges

proceeded to ascertain the result of the election in the remaining districts, all of them participating in the necessary examination, or being present while it progressed. When the whole number of votes polled in the sixteen districts were counted, it was ascertained, that for

### SENATOR,

DEMO.		FED.	
C. Brown had	7,880	William Wagner	6,343
S. Stevenson	7,870	J. Hanna	6,330

### AND FOR REPRESENTATIVES.

DEMO.		FED.	
Charles Pray	7,870	M. Day	6,262
J. W. Ryan	7,817	A. Woelepper	6,354
M. N. Carpenter	7,869	W. F. Hughes	6,354
T. H. Brittain	7,893	M. Loyd	6,279
A. Helfenstein	7,837	W. J. Crans	6,376
J. W. Nesbit	7,817	S. F. Reed	6,373
T. J. Heston	7,819	B. R. Mears	6,277
B. Crispin	7,922	J. F. Smith	6,275

being an average majority for the democratic candidates of about fifteen hundred votes, excluding the votes cast in the Northern Liberties. In further prosecution of their duties, the judges then proceeded to make out and certify the returns required by law, showing the above result, which were signed by ten of them, being the majority, in presence of the whole number. Having thus executed the trust confided to them, the meeting of the judges was adjourned, and the individual members left the room in which they had convened. The next day, a duplicate of the returns was deposited at the office of the Prothonotary of the city and county of Philadelphia, and another sent to the Secretary of the Commonwealth, *who received it and deposited it in his office, as by law and his oath of office he is bound to do.*

Shortly after the adjournment of the judges, six of them retired to another room in the state house, and there in secret—in the dead hour of the night—fraudulently concocted another return, showing the result only in the seven districts they had represented in the conference of the judges. These seven districts, being the most federal in the county, showed the following result :

### SENATE.

FED.		DEMO.	
James Hanna	6,288	Charles Brown	4,856
William Wagner	6,308	S. Stevenson	4,839

### REPRESENTATIVES.

M. Day	6,346	Charles Pray	4,912
A. Woelepper	6,426	J. W. Ryan	4,757
W. S. Hughes	6,432	M. N. Carpenter	4,814
Wm. Lloyd	6,355	T. H. Brittain	4,849
W. J. Crans	6,422	A. Helfenstein	4,771
S. F. Reed	6,445	J. W. Nesbit	4,770
B. R. Mears	6,346	T. H. Heston	4,779
J. F. Smith	6,372	B. Crispin	4,849

For the purpose of defrauding the democratic members of the Senate and House, of the seats to which they are entitled, by the suffrages of the people of their county, these false, partial, and garbled returns were, on the same night, sent by an express to Harrisburg, as the true return of the state of the poll in the county of Philadelphia, in respect to Senators and Representatives, and deposited in the office of the Secretary of the Commonwealth.

The rejection of the Northern Liberties return is given as an apology for this gross and monstrous violation, not only of their duty, but of their oaths. Miserable as it is and impotent, in the slightest degree to extenuate conduct such as we have detailed, this pretended excuse, at once met and put to shame, by the fact that the rejection or addition of the Northern Liberty vote, can in no wise affect the right of the Democratic members to seats. Let us prove it.

The vote in the sixteen districts we have shown to be,

For the democratic candidates an average of more than 7,800.

For the federal candidates an average of 6,300, leaving an average democratic majority of about 1,600.

In the Northern Liberties the vote stood :

For the democratic candidates an average of 2,140.

For the federal candidates an average of 3,140.

Leaving an average federal majority in the Northern Liberties of 1,000.

Democratic average majority in sixteen districts,	1,500
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Federal average majority in Northern Liberties,	1,000
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Democratic average in the whole county,	500
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We assert unhesitatingly and unequivocally, that the Secretary of the Commonwealth was, before the meeting of the legislature, COGNIZANT OF ALL THESE FACTS.

This gross wrong on the right of suffrage, the most sacred and invaluable known to freemen living under a representative form of government—thus commenced in Philadelphia, has been carried out and consummated in Harrisburg, by an usurpation of power on the part of the Secretary of the Commonwealth, (the appointee and dependent of the Governor,) unparalleled in the history of this or any other State forming the confederacy, and by the boldness and reckless daring of an individual holding a seat in the House of Representatives, whose fame as an unprincipled tactician is but too notorious for the credit of the State he has adopted for his residence.

How this consummation was effected we proceed to show.

A day or two previous to the meeting of the Legislature, a rumor was current in the town, that the Secretary—a mere *depository* of the election returns—would constitute himself the arbiter of the validity of the several returns, and refusing to obey the law which directs him to deliver all the returns addressed to the two Houses, would assume the responsibility of withholding from the Senate and House of Representatives, the undenied and undeniable return, legally made by a majority of the return judges of the county of Philadelphia: That, upon this action, the federal members of the House would refuse to submit themselves to the decision of the majority of the members acknowledged on all sides to be elected, and whose

elections have not, up to this moment, been disputed, and rejecting all other evidence, excepting the return of the minority judges sent in by the Secretary, receive the individuals shown to have been beaten by at least five hundred votes, and proceed to a separate organization of the House, by the election of a Speaker of their exclusive choice.

This scheme was of a character so startling, and utterly at variance with all constitutional and legal propriety, that credence was denied the report. It was not until men were astounded by the intelligence that it had actually been carried into effect, that the public belief here gave it slow admission; and we passed from astonishment at the stupendous corruption which could conceive such a project, to sadness in the contemplation of fifty-two American citizens—some of them selected by their fellows for the exercise of the highest legislative functions—lending themselves to carry forward its perpetration.

Before we proceed to detail how the secession by the minority was effected, and a *pretended* House of Representatives formed, it is proper to say, it would never have been attempted, but for the accidental circumstance that the party, to which the disorganizers profess to belong, enjoy a majority in the Senate, and having possession, *for yet a little while*, of the executive chair, expected to be recognized by the Senate and governor as the legitimate House of Representatives of this Commonwealth. Thus far the fear—not of an “armed mob”—but the fear of popular indignation, based upon popular intelligence, has prevented the exhibition of this last scene of a drama, to which folly has lent the characteristics of farce, but which a criminal disregard of truth, justice and propriety, obstinately persisted in, threatened, at one instant of time, to convert into a fearful tragedy.

In contemplating the circumstances which preceded and accompanied the secession of the minority from the House of Representatives and the subsequent proceedings in the Senate, the first startling fact which attracts the attention of the investigator is the heretofore unheard of assumption of power by the Secretary of the Commonwealth over the returns filed in his office. In assuming as it will be seen he did, to give preference to one return before another, he usurped an authority conferred by constitution on each house, alone to judge of the “qualifications” of its members by refusing to furnish the house legal evidence of those qualifications. If this is submitted to, hereafter the Secretary, a creature of the Governor, and not the members elect, is to decide who are and who are not members of the Legislature of Pennsylvania, thus consolidating, at least for a limited period of time, distinct branches of the government, which the framers of our constitution anxiously endeavored to keep separate.

It is unnecessary to follow out all the consequences which might, nay must flow from this illegal appropriation of power: it is enough for a free people, governed by settled laws, to know that one of their agents has endeavored to appropriate a power not belonging to him, and the possession of which, by him, is utterly incompatible with the independence of the legislative body.

We proceed to submit a plain statement of facts which accompanied the organization of the House as they occurred. From it, it will be perceived that the minority, conscious of its weakness, had recourse to petty trick, in order to carry out a scheme, concocted before they came into the Hall of the House.

On Tuesday, the 4th instant, the day appointed by the Constitution, for the meeting of the General Assembly, the members elected to the House of Representatives met at 11 o'clock, A. M. It is believed they were all present. Upon motion, it was unanimously ordered that the clerk of the House at the last session, Francis R. Shunk, Esq. read the returns of the late election for Representatives. The Secretary of the Commonwealth having been introduced, laid upon the Speaker's table, *as he stated*, the official return.

After the Clerk had read the return from the city of Philadelphia, which was the first return read. Mr. Pray of the county of Philadelphia, required of him to state by how many judges the paper received from the Secretary of the Commonwealth, purporting to be a return of the election of members in the county of Philadelphia was signed, and how many election districts were included in it. The Clerk made the statement required, *from which it appeared that the pretended return comprised but seven districts of the seventeen, and was signed but by six judges.*

Mr. Pray, then presented a copy, certified by the Prothonotary of the county of Philadelphia, of the return of the election of Representatives in the said county, by a majority of the return judges which was read, after which the paper received from the Secretary of the Commonwealth, purporting to be a return, signed by six of the seventeen return judges, and containing the votes for Representatives in seven of the seventeen election districts in the said county was also read.

Upon the presentation of the certified copy, a short debate occurred, in which Mr. T. S. Smith, of Philadelphia, gave the first intimation of an intended secession of the minority, by stating that he hoped those who *thought with him* would not vote upon any question which might arise.

The Clerk having proceeded and read the returns from all the other counties, then called the names of the members returned as representatives. The members who afterwards seceded, declined to answer. Fifty-six answered, which fact being announced, on motion, they proceeded to the choice of a Speaker, and William Hopkins was duly elected having received fifty-five votes.

In the course of these proceedings, marked by strict observance of the law and the Constitution, and the practice under them, Thaddeus Stevens, a member returned from Adams county, made a motion in direct hostility with the uniform practice, and without regard to the order of proceeding, that tellers be appointed for the purpose of electing a Speaker. On this motion, he said he hoped only himself and those who thought with him would vote; and that those who differed from him and his friends would be allowed to vote for their Speaker, and that he hoped there would be room enough on the platform for two speakers. He then put the question hastily and informally, and pronounced that it had carried, though undoubtedly voted down by a majority of the members present. After which the tellers by him named, proceeded and held an irregular and informal election disturbing in some degree, the orderly proceedings of the members who were engaged in the regular discharge of their duties. They continued this farce by pronouncing a Speaker to be elected, who, according to this novel plan, did not receive more than some twenty or thirty votes, some of the seceders answering yes—some here—some answering Thomas S. Cunningham, and then administered oaths and affir-

mations to the seceders. Soon after the election of Mr. Hopkins, Speaker, the seceding members withdrew, having taken no part in the regular organization of the House. After Mr. Hopkins had made his acknowledgments to the members for the trust confided in him, the usual oaths were administered to him by Mr. Smith, of Franklin, when the members present, fifty five in number, took and subscribed the requisite oaths and affirmations. The House then adopted the usual resolutions, and adjourned.

During the whole of these proceedings there was in the gallery and upon part of the floor of the House a very large assemblage of citizens, who, when Mr. Cunningham was conducted to the chair, exhibited some symptoms of disapprobation, which was, however, instantly hushed at the request of Mr. Hill of Westmoreland, a democratic member. In all other respects, they conducted themselves throughout with the utmost propriety.

It is well known that a larger collection of people than is usual upon such occasions assembled, because it was openly and publicly asserted that the secretary of the commonwealth would withhold from the representatives of the people the regular return of the election of representatives in the county of Philadelphia, and present an illegal and void paper purporting to be a return, by which the representatives of the people legally elected would be deprived of their seats. That this threatened infraction of popular sovereignty should produce extraordinary vigilance in a people jealous of their rights, is as natural as it is honorable.

That regular returns of representatives were made by a majority of the return judges of Philadelphia county, was as well known in that district, and by all who examined the facts, as that there was an election held on the second Tuesday in October. That one of these returns was filed in the Prothonotary's office of the county, was equally well known, and was further attested by the certified copy, read at the organization of the House. That another of these returns was sent to the Secretary's office and was in the possession of the Secretary of the Commonwealth, was notorious. And yet the fraudulent embezzlement of this return was made the pretext of the leaders of the minority to destroy the regular action of the Legislature.

The whole of these proceedings were witnessed, as has been already observed, by a very large concourse of citizens drawn together by the reports of the intended suppression of the returns. Much indignation, at the unprecedented and unjustifiable course of the minority was doubtless felt. None was manifested until the afternoon, when the Senate, in which the federalists have the majority, met to organize.

The members of the Senate assembled in the Senate chamber at 3 o'clock P. M. The dense crowd which had filled the galleries and passages of the lower House in the morning, now occupied the narrower accommodations of the Senate chamber. Here crowded together, in the most uncomfortable position, they remained for from two to three hours, listening with breathless interest to the discussion which occurred, and looking on the scenes of which we are about to attempt a description, without any manifestation of impatience, until shortly before the adjournment.

Departing from the rule of proceeding which has obtained for many

years in the Senate, Charles B. Penrose, who had been elected Speaker of the Senate, prior to the adjournment of that body in the spring of 1838, assumed the chair as presiding officer, at 3 o'clock P. M. The object of this departure is obvious—it was part of the plan of which we have before spoken, and the intent to prevent the newly elected members from either speaking or voting on motions to be proposed, before a new election for speaker was evident. Some discontent at this course was manifested by Messrs. Myers and Fraley, old members, but the expression of it was immediately silenced by the speaker's hammer. It was now perfectly evident to all, that the object of the speaker was to prevent any discussion of the propriety of his course or any interference with a previously arranged plan for so organizing the senate as to preclude all action on the part of members supposed to be hostile to the views of the speaker and his friends.

The Secretary of the Commonwealth having brought in what he called the official returns of members elect, including the minority returns from the county of Philadelphia, but exclusive of the true returns, which we have shown you were regularly and legally filed in the office of the secretary. The clerk was directed to call over the names of the Senators already sworn, that is, the senators being members of the last session, and excluding all the newly elected members. This being done, the clerk was further directed to read over the returns of elections of new members. When he came to the return from the county of Philadelphia, certifying that James Hanna and William Wagner were elected, Mr. Brown of the county, who received, *at least*, a majority of five hundred votes over Mr. Hanna, offered to the chair a certified copy of the legal return, which had been received by the secretary of state, but withheld by him from the Senate. This the chair refused to touch; alleging that he could receive no paper relative to this subject, except such as the secretary chose to send. Thus, again, did Thomas H. Burrowes, by his usurpation of power, defeat the right of the democratic members to their seats. In illustration of the merely partizan feeling which governed the secretary throughout these proceedings, and the gross inconsistencies into which the indulgence of this unworthy passion led him, it may be mentioned that by the only legal return in his office, certified by a majority of the Senatorial return judges, Messrs. Frow and Eyer, democrats, from the 8th senatorial district, composed of the counties of Huntingdon, Millin, Juniata, Union, and Perry, were, beyond question, entitled to their seats. To defeat this right, certified copies of the returns from all the counties composing the eighth district, comprising the county of Huntingdon, which had been rejected by the return judges for gross frauds alleged to have been practised at several election districts, was procured and filed in the Secretary's office. With these, by law, the Secretary had nothing to do. He could not know them, he could not in any way recognize them. And yet the man, who refused to send to the Senate and the House, legal returns of the election in the county of Philadelphia, because those returns proved that democrats were elected, received into his office and sent to the Senate, certificates from a Prothonotary's office, lodged in his hands, against all law and form of law, to defeat, if it might be, the right of Democratic Senators to take their seats. In truth, so far has this machination been carried, that the Senate stooped to receive certificates



utterly irregular and upon them exclude democratic Senators, and but a few minutes after negatived a motion made by Mr. Carpenter of Westmoreland, calling on the Secretary to send to the Senate the majority return from the county of Philadelphia, lest upon that return it might have been compelled to receive Messrs. Brown and Stevenson, the democratic members elect. This was decided by a strict party vote, on a call of the yeas and nays—the federalists all voting against the motion—the democrats for it. That the Senate had power to call for the paper is confessed; that under the circumstances it was its duty to do so, is so manifest, that any argument to prove it would be superfluous; that it refused to execute this duty, in order to carry out the predetermination of the majority to swear in Messrs. Hanna and Wagner, without regard to the "light and the truth," will, as we proceed, be further demonstrated.

After the rejection of Mr. Carpenter's motion, the new members, including Messrs. Hanna and Wagner, were called on by the Speaker to take the oaths. At this juncture, Mr. Rogers, of Bucks, interposed—not in a disorderly manner as has been alleged—but temperately and courteously stating, that he held in his hand an authenticated paper—being the certified majority returns from the county of Philadelphia, which showed incontestibly, that Messrs. Hanna and Wagner were not elected; and he therefore protested against their being sworn in as members of the Senate. He offered the paper to the acceptance of the Senate, and was proceeding to address it, when he was called to order, peremptorily, by the Speaker, who decided that the paper should not be received. At the moment Mr. Rogers was interrupted by the call to order, several of the spectators, who had been highly excited by the arbitrary proceedings of the majority, and the manifest partiality of the Speaker, urged by the impulse of the moment uttered some disorderly cries of "hear him;" but these were in an instant silenced and order restored. A motion was now made by Mr. Myers and Fraily that the swearing in of Messrs. Hanna and Wagner be postponed for the present. It will be recollected that a similar motion had been before sustained by the majority, in the case of the Senators from the eighth district, on the alleged ground of uncertainty and irregularity in the returns. The motion of Mr. Myers was advocated by Mr. Fullerton, the only member of the federal party in that body, who had independence enough to spurn from him the degrading party shackles which had been imposed on all the rest. He pointed out the fact that the return, under which Messrs. Hanna and Wagner claimed to be members was, on its very face irregular, partial, and imperfect, comprising but seven districts of seventeen, of which number it was known Philadelphia county was composed, and signed but by six return judges. He urged feelingly and forcibly upon the Senate to pause and reflect ere it took the step of accepting the gentlemen named in that return as sitting members, without further investigation. Mr. F. was answered by Mr. Pearson a federal member from Mercer. With the statute book lying before him, or within his immediate reach, containing the public laws of Pennsylvania, by some of which the county of Philadelphia is divided into seventeen election districts, the Senator argued—if argument it can be called—that the Senate could not know that Philadelphia county contained more than seven election districts—nay, that the return on their table furnished evidence that it contained no more, and in the absence of other proof members were bound to take it as true.

Will it be believed that, upon such a reason as this, for none other was given—a majority of Pennsylvania senators could be found so ignorant or so corrupt, as to reject the motion for postponement pending before them? Yet so it was. The motion of Mr. Myers was decided by another party vote on a call of the yeas and nays. Every federal member, with the exception of Mr. Fullerton, voting against it. During the progress of the discussion, Messrs. Bell, of Chester, and Coplan, of Fayette; democrats, who had been called as members to vote, and did vote for speaker, attempted to address the senate. They were instantly and peremptorily forbidden to speak, and together with all the other new members, excluded from the vote taken on this highly important question. In fact, up to this moment, the most harrassing course under a show of courtesy, was pursued by the speaker towards those democratic members who sought to speak upon the topics which agitated the senate.

But the decision was made—the blow was struck—the severest, it is believed, ever yet directed against the elective franchise in Pennsylvania; and *there*, in the sacred chamber of the senate and in the face of an assembled multitude, many of whom were acquainted with the facts of the case, Messrs. Hanna and Wagner who had notoriously received but a minority of the votes of the freemen of the county of Philadelphia, were sworn in as members of the Senate *representing* the county of Philadelphia.

After this, Mr. Brown, of the county, obtained leave to speak. He addressed the Senate in a speech replete with feeling, and expressive of deep indignation. After he had concluded the Senate adjourned.

During Mr. Brown's address much disorder occurred in the gallery; and after the adjournment of the Senate, *but not before*, the crowd took possession of the chamber, but soon after dispersed.

Under no combination of circumstances, short of those constituting actual and *necessary* revolution, can we justify the exhibition of tumult in our Halls of legislation. We protest against it as calculated to destroy all freedom of discussion and deliberation. But the question may be asked with propriety. Is it to be wondered at that a spirited and intelligent people, goaded into indiscretion by an act of gross injustice perpetrated under their very eyes, should permit to escape them a disorderly expression of excited feeling.

This popular tumult, short lived as it was, was immediately seized on as a pretext by the executive of the commonwealth for issuing a proclamation calculated to increase, rather than allay any excitement which might exist, calling upon the military force of the commonwealth to hold themselves in instant readiness to repair to the seat of government; and now, in pursuance of that proclamation and the orders issued under it falsely suggesting that blood had been shed, a body of armed men marched from the city of Philadelphia now occupies the peaceful capitol of the state. We say peaceful—for we assert unhesitatingly, that for three days prior to the arrival of these troops, no town in Pennsylvania could be more quiet and orderly than was Harrisburg. What the result of this extraordinary step may be no man can foretell; but we may be permitted to hope that this last sad blunder, committed by an administration whose whole course might be denominated a "Comedy of Errors," if it were not for the serious results flowing from its mistakes, may not be productive of effects we have too much reason to apprehend.

In conclusion, we beg leave to assure you, that since the commencement of the unhappy differences which convulse the legislative body, every effort has been made by us to bring around a reconciliation on such terms as reasonably ought to have been accepted. These have been heretofore rejected. In the discharge of the duty we owe to ourselves and you, we shall persevere in these efforts, until all hope of the adjustment of difficulties be lost.

We are, fellow citizens, Yours, &c.

W. T. Rogers,  
Henry Myers,  
John Miller,  
Wm. F. Coplan,  
Samuel L. Carpenter,  
James Caldwell.

Thomas S. Bell,  
Samuel Hays,  
Michael Snyder,  
E. Kingsbury,  
Charles Frailey,

*Members of the Senate.*

Wm. Hopkins, Speaker.  
William M'Kinstry,  
C. Foster,  
Charles Chandler, Jr.  
R. Brodhead Jr.,  
Adam Schoener,  
W. B. Anderson,  
Samuel Penrose,  
Lewis B. Cole,  
Samuel Fegely,  
E. W. Hamlin,  
J. H. Lavery,  
Joseph Douglas,  
Wm. R. Gorgas,  
M. W. Coolbaugh,  
B. Crispin,  
John Park,  
Levi Hoge,  
Wm. Mortimer,  
Jacob S. Yost,  
Abraham Helfenstein,  
Stokes L. Roberts,  
Thomas B. McElwee,  
R. P. Flenniken,  
Martin Loy,  
James Kerr,  
D. F. Barstow,  
Frederick Smith,

Samuel Strohecker,  
Henry Longaker,  
Miles N. Carpenter,  
Robert E. James,  
T. H. Brittain,  
James R. Snowdon,  
John W. Nesbitt,  
Thomas J. Heston,  
William Andrews,  
W. Reynolds, of Westmoreland,  
James Woodburn,  
Martin Shearer,  
Charles D. Jones.  
Jacob Work,  
Charles Evans,  
Abraham Hill,  
Charles W. Hegins,  
G. Dare,  
William P. Wilcox,  
John Hill,  
William Field,  
Charles Pray,  
Robert Love,  
John W. Ryan,  
Michael Ritter,  
William Colt,  
Jacob Walborn,  
J. Bruner.

*Members of the House of Representatives.*

Harrisburg, December, 10, 1838.

## TO THE FREEMEN OF PENNSYLVANIA.

## FELLOW CITIZENS:

The Capital of our beloved Commonwealth, now presents a scene to the world which no American freeman, can survey without feelings of the deepest emotion. It is a garrisoned town—filled with armed soldiers, acting under the eye and command of the Governor. The streets resound with their martial music—their banners, plumes, and glittering arms, flash in the sunbeams, and their heavy artillery, planted in a position to command both the town and the Legislative halls, remind us that the lives and property of the citizens are held, and the votes and organization of the representatives of the people, are suffered beneath the cannons mouth. It is impossible to forget, that the government of Rome was bought and sold by men who commanded the Pretorian band—that the representatives of the English nation were driven from their seats by the bayonets of Cromwell's soldiery—and those of the French Republic, by the battalions of Napoleon. All free governments have been overturned by military power, and all despots sustained and protected, by the weapons of their standing armies. It was a maxim in the ancient republics, that "*laws were silent amidst arms.*" It is a truth, attested by the history of the world, that no government can employ the sword in its execution of the laws, without degenerating into an absolute tyranny. No matter what may be the private feelings of the individual soldiers, their military organization is emphatically despotic, and no subordinate officer, or soldier in the ranks, can, or dare question the legality of the orders given to him by his commander, without incurring the punishment of death, a punishment the more certain and fatal, because the safeguard of liberty, afforded by the verdict of a jury is withdrawn, and he is compelled to bow to the sentence, pronounced by judges, selected by his accusers. Submission alone is safety. If a soldier be commanded to point his bayonet against the breast of the mother who bore and cherished him, he must obey, or have it pointed at his own. The dictates of patriotism are smothered in blood—and the voice of humanity, of freemen, and of Heaven, is drowned in the shout of battle, the trumpets clangour, and the cannons roar.

We will not, we dare not, look forward to such a dire state of things in Pennsylvania, but we cannot reflect upon the purposes, to subserve which, the thousand soldiers with their train of artillery, now here, were brought together, without shuddering at the thought. The civil acts which have distinguished the conduct of the men, who now control this military force, are of a nature to forbid all hope of redress from their justice, honor, or patriotism. We fear that the only restraints imposed upon them, are the necessary limits to their power. To prove this fact, let us inquire into the real object they had in view, in assembling this military power.

It is scarcely necessary to reiterate the truth, abundantly shown by the statement of the High Sheriff of Dauphin county—and of hundreds of respectable citizens, that there was neither an "armed mob," nor any other body of men organized, or unorganized, at Harrisburg, for whose suppression a single soldier was required. The assemblage in Harrisburg, was, and still is, peaceable, orderly, and disposed to respect the laws, far more than to violate them. The allegation that the senate was to be menaced or disturbed, is wholly untrue, and is manifestly put forth as a pretext to justify the appeal of the governor to arms. The house, if

either body of the legislature was the one, in which difficulty was to be apprehended, but the Governor seeks to induce the belief, that it is the *senate* against which threats have been made, because that is a body legally organized, and public opinion would be more deeply shocked by contemplated assaults upon its members, than upon those of the house whose constitutional organization was denied by both sides. This pretext thus falls to the ground, and we are left to inquire for a more substantial reason to justify, or at least, to account for the extraordinary conduct of the Governor.

Before the meeting of the legislature, the advisers of the Governor were busy in conjuring up particular modes of action by which the popular will was to be defeated, and the reign of Governor Ritner and his friends was to be prolonged for another term. It was believed that they had determined, in the event of General Porter's election, the adoption of the amendments, and the return of a majority of members of both houses of the legislature, in favor of Ritner's administration, to strip Porter of all his patronage—to elect Canal Commissioners, &c. &c. for a term of three years or upwards, and in this manner to perpetuate the party which had been defeated and condemned at the ballot boxes. This measure was so monstrous and villainous that few persons could be induced to think it possible. But monstrous and wicked as it was, it was, and now is, nevertheless, actually in contemplation. We have learned from those who heard the infamous project propounded, that in a caucus of federal members of the house of representatives, it was actually stated by Thaddeus Stevens and others, that laws should and must be passed taking all appointments out of the hands of Governor Porter—vesting them in the hands of the legislature—passing appropriation bills large enough to complete all the public improvements in the state, including the Gettysburg rail road, and authorizing loans to cover them, and parcelling the state out by apportionment bills so as to continue a majority of members in the senate or house, opposed to the repeal of these odious laws, and in this manner to fasten on Pennsylvania for years these most disgraceful and oppressive measures, and to crown all this mountain of iniquity, Mr. Stevens was to be sent to the senate of the United States as a reward for his inventing these fraudulent contrivances to trample under foot the rights and the votes of the people. These things, we know are almost *too* base to gain credit, but we are fully prepared to PROVE their TRUTH. Let the history of corruption, of daring usurpation, of arrogant contempt for the opinion of mankind, be ransacked for a parallel case, it will be sought in vain, for such a case does not exist.

We have now a key to all the transactions of the last two months. We can now comprehend the semi-official injunction of the secretary of state to his friends, to treat the election as if it had not occurred. We can now understand why the illegal returns from the county of Philadelphia were so pertinaciously adhered to—why the friends of Governor Ritner were resolved at all hazards to obtain the absolute command of the house of representatives, or to violate the constitution and laws, in organizing their own friends in the semblance of a house. We can now understand why they are moving heaven and earth to give effect to the shameless frauds and inconsistencies that have marked their conduct in the senate with reference to the disputed senators; and above all, we now see as plain as

the sun at noonday, the TRUE REASON for calling together the military forces. The signal defeat sustained by these confederates against the liberty of the people in the house of representatives on the first day of the meeting, defeated all their designs, and rendered a total change of measures necessary. They found that by their irregular and outrageous attempt at organization, they had alarmed some of their own friends, and well nigh frustrated all their treasonable projects. If two of their men finched, they were immediately prostrated. While so large a body of the people were here, they learned by the transactions in the senate, that their villainies would not escape unnoticed, and their physical courage shrunk back as they contemplated their unheard of outrages upon every principle of justice, and of the constitution. It became manifest that they must disperse the assemblage of the people, or hazard the desertion of some of their own friends. In the excited state of public feeling, too, it was clear, that should they attempt to pass laws of the kind intended, it would arouse a feeling of indignation, that it would not be prudent or desirable to withstand. Like all men who progress in wickedness and crime, they had "waded so deep, it was easier to proceed than to return." Hope was before them—infamy behind."

The bold expedient was adopted, to call together the military of the city of Philadelphia, and to give the best reason for the act, that the times afforded. These reasons are before the public, proved to be false by the most indubitable evidence. The troops were called from Philadelphia, a distance of one hundred and six miles, with the expectation that nearly all would be friends of Ritner's administration, and that the few who were not its friends, would decline to come in obedience to the Governor's command. Had this expectation been realized, the treasonable designs of Messrs. Stevens and his confederates, would have been already consummated. But the freemen belonging to the volunteer corps, all responded to the call. They are here, as contrary to the wishes, as they are to the expectations of Governor Ritner and his friends. Every expedient has been called into requisition, to diminish the numbers of the democratic companies, on whom no reliance is placed, nor confidence bestowed. All the companies from the counties of York and Cumberland, have been ordered to return home. The exclusive favorites, are the city federalists, and to them alone, does Governor Ritner desire to confide the protection of his person, and the suppression of the "infuriated armed mobs," whose power is so terrifying. If there was real danger, why dismiss several well equipped and well drilled companies—or if some measures of a party character are not contemplated, why give to the federal partizans of the Governor, the post of honor? Let these facts be explained as they may, they reflect on the Governor and his advisers, the blackest disgrace. They will stand recorded against him for all future time, and will perish only with the pages of history.

The prospect of united action in the house of representatives, we fear has departed forever. The friends of Governor Ritner refused to surrender a single particle of the advantages which they claim from the fraudulent returns of the Secretary of State, in regard to the legal returns of Philadelphia county. They have been defeated thus far, in effecting their original intention,—but, judging from the determination of the Governor to continue his present military force here, and from their preparations to

hold meetings of their illegal and unconstitutional house of representatives, they had not abandoned their original plan of operation. It will not astonish us, nor should it astonish the people, to see the entire system of measures above indicated, passed through despotic bodies, and made into what they may call laws, if they can bring all the members who acted with them on the first day of the session, to co-operate with them hereafter. Should they succeed in this undertaking, they have a military force here, which they think is sufficient to silence the voice of disapprobation, and to make the people yield.

It is understood that the Governor has called upon the General Government to furnish troops to aid him in his crusade against the rights of the people, and at the very time when he was refusing to accept the services of volunteer companies from Cumberland and York, he was strenuously endeavoring to procure the services of the enlisted soldiers of the United States, stationed at the Carlisle Barracks. Thus is the independent sovereignty of Pennsylvania sought to be degraded in the person of her first magistrate,—who, distrusting the fidelity of her own citizens, is willing to commit the defense of her rights to the hired troops of another government.

The termination of this military occupancy of the state capital, cannot be anticipated with certainty, for we understand the Governor declares that as these troops can by law claim their pay for three months service, they might as well stay here and earn it. From this it is plain that he does not intend to dispense with their services during the balance of his reign, unless he can soon accomplish the nefarious designs of his friends. It will take but a short period to do this, for as we learn, and believe we can prove, the chief conspirators have affirmed that if they can get their house of representatives assembled for two hours with a quorum of members, the bill which they have already prepared for the occasion, can be passed and transmitted to the senate, a majority of which body will gladly concur in them.

Should they succeed in accomplishing this measure, General Porter will come into power with his hands tied, without an appointment to make, or a law to sanction, until a democratic majority is obtained in both houses, an event which never can happen if the means that have been employed to defeat the election of General Porter, and many democratic members of the senate and house are permitted to become examples.

Whoever stood in the senate to-day and heard the returns of the election for governor promulgated, must be satisfied, that with such men as control that body, and with such principles as they have adopted, popular elections are but an idle farce. By the legal and fair returns which were laying open before the speaker, General Porter was elected Governor by a majority of more than ten thousand legal votes, and yet, through the instrumentality of minority returns rejecting large democratic districts, and partial returns throwing out democratic votes and admitting districts known to be overwhelmed with illegal votes, that majority was reduced more than five thousand votes! And it is by this corrupt course that fraudulent majorities are sought to be created in both branches of the Legislature!

Let these attempts prove successful, and now, and hereafter these same men, will, by the same means always elect majorities in both houses by

minorities of the votes of the people, and will elect their candidate for Governor with a majority of thirty thousand against him. Even in Berks—honest, patriotic old Berks, if her five federal return judges had been instructed what to do by their masters in the canal board and secretaries office, they would have certified to the vote in their five paltry federal districts to the exclusion of the entire democratic portions of the county. And this return the Secretary would have transmitted to both houses as the only LEGAL return, and the Speaker of the senate would have opened and read it as such, giving to Ritner a majority of one thousand, and annihilating the democratic majority of three thousand nine hundred in the twinkling of an eye! The federal members from the same county would have insisted upon their rights to their seats and have been sustained in that unholy claim at the point of the bayonet! He who had doubted or denied the justice of this claim, would have been branded as a rebel, and for expressing his honest opinion, been arrested as a traitor and dragged to the door of the jail!

Such are the revolting principles acted upon by our government, and such are the consequences of daring to deny their infallibility! Shall such things be submitted to by the descendants of the heroes of the revolution? Shall our free government be surrendered without a struggle? Shall the sacred rights of personal liberty, of the elective franchise and of the open and free expression of our honest sentiments be insultingly trampled upon by men who owe their elevation to accident and fraud? God forbid it. 'The voice of our fathers' blood cries out from the ground against it, and proclaims that we are craven recreants if we suffer the blood bought rights which they transmitted to us, to be snatched from us one by one, by corrupt usurpers!

Now is the day and now is the hour, when every freeman is called upon to enroll himself under the banner of liberty. He who deserts in such a trying moment as this, was born to be a slave, and the bitter curses of his children shall be his epitaph.

Before closing this address, the committee cannot forbear expressing their warmest approbation of the course adopted by the democratic members of the house of representatives, in resisting with a self devotion and patriotism worthy of descendants of our revolutionary sires, the attempted frauds and treasonable designs of their federal adversaries. The friends of the right of suffrage and of a democratic representative government, not only in Pennsylvania, but throughout the union, owe them an eternal debt of gratitude. Their course is plain before them—they have in all things conformed to law and custom in the organization of the house—they have right and justice on their side—the laws and the constitution sustains them—all true friends of liberty and equal rights, have their eyes upon them, and if need be, are ready at a moments warning to support them in person—none but **ASPIRING AGITATORS**, and **TRAITORS TO FREEDOM** oppose them, and with such they **HAVE NOT**, and **WILL NOT** make any compromise, or **YIELD** to them a **SINGLE PRINCIPLE**!

Signed by the Committee of Safety.

Harrisburg, Wednesday Evening, December 12, 1838.



## FREEMEN OF PENNSYLVANIA.

**FELLOW CITIZENS**—The Committee of Safety embrace this occasion to announce to you, the peaceful satisfactory termination of the disorders, usurpations and dangers, at the capitol of the State, which menaced the purity of the elective franchise—threatened to subvert the constitution and laws, and to prostrate our republican government, at the date of its last address to the people. This happy result is the fruit of the firmness, union and moderation of the democratic members of both houses of the legislature, sustained by the approving plaudits of the entire democracy, and a respectable portion of the federalists, of the State. The disgraceful proceedings of the Secretary of State, and other officers of the government of Pennsylvania, on the 4th instant, in the Senate and House of Representatives, produced a burst of indignant condemnation from every county and township within the borders of the commonwealth which struck the Governor and his confederate conspirators against the liberties of the people, with the deepest dismay. They faltered in their highhanded usurpations, but refused to recede. The military force were called here to stimulate the friends of the Governor, as well as to overawe the people. It was hoped that the voice of censure would be hushed, and the hearts of the wavering friends of the administration be inspired with new courage, by the gleaming of a thousand bayonets, and the intimidation of a battery of cannon.

The pretext that an "infuriated armed mob," was in possession of the capital, used too justify the assembling of soldiers in Harrisburg, is considered to idle and ridiculous for refutation, by all honorable and candid men, even of the federal party. It is known to be false, by every individual who was in the capitol during the scenes described, and it is a subject of painful and mortifying contemplation to all, that the governor of Pennsylvania should have condescended to give his official sanction to such groundless attacks upon that portion of the people, whom accident curiosity, or an anxious devotion to the cause of the constitution and laws, convened in borough of Harrisburg on the 4th of December. Whatever violence of proceeding occurred in the Senate on that day, is immediately attributable to the lawless, unconstitutional and treasonable conduct of the Secretary of State, and his political friends and associates. They alone produced, and are answerable for, the consequences. There was no "mob," armed or unarmed, organized in the Senate chamber to overawe the members, or subject their action to its will. The confusion that followed the unscrupulous usurpations of the Secretary of State and his political adherents in this body, on the day referred to, were the sudden and uncontrollable emotions of honest freemen, when they beheld the constitution and laws trampled on and insulted, by the party whose organ the present printer of the Senate, had proclaimed, a month before the meeting of the legislature, that the minority federal candidates for the Senate and House of Representatives from the county of Philadelphia, "*they would have their seats—peaceably if they could, forcibly if they must.*"

It was manifest from the proceedings of the Senate, that this threat was intended to be carried into execution, and if disapprobation was expressed, even in the Senate chamber, by the citizens there assembled, it should not surprise those who are proud to emulate the example of their patriotic fathers, and who hope if they err in so doing that "something will be pardoned to the spirit of liberty."

But if it was even true, as alleged, that the proceedings of the people in the Senate chamber on the 4th inst. were as riotous and violent as to interrupt the action of the senate, it would not justify the assembling of the military forces at the capitol, for it is not pretended by any man who had a "conscience void of offence," and who had courage enough to look out of doors, that there has been the slightest indications of "mobs," "riots," or "rebellions," since that day, which required military force to suppress them.

It is generally admitted that not more than three hundred persons were present in the Senate chamber at the time when the alleged outrages occurred, and Mr. Speaker Penrose states in his deposition taken before Judge Blythe, on the 12th inst. on his solemn oath, that from "ONE TO TWO HUNDRED persons only, took part in the commission of the outrages. The remainder of the persons present in the senate chamber, was composed mainly of Halifax rioters, and other officers, contractors, and hands employed by the canal commissioners on the public improvements, and among them were several, well known to the criminal courts. This small assemblage of unarmed men, presented such a formidable array of "rebels" and "rioters" to Governor Ritner's fears, as to require a thousand soldiers to put them down!

The High Sheriff of Dauphin county, has publicly stated, that he possessed at all times, abundant civil means to keep order and maintain the peace at Harrisburg. The requisition for military forces, not only on the militia and volunteers of Pennsylvania, but on the President of the United States, made by Governor Ritner, must therefore be regarded as a deliberate movement to compel the people to yield obedience to the fraudulent and treasonable plans of Secretary Burrowes and his compeers. As such history will record it, and as such, all honest, candid men, will stamp it with the brand of moral treason.

These forces, so assembled, were withdrawn from this place, but not until it was found by the Governor and his friends, that their presence had failed to produce the intended result. Instead of silencing the voice of condemnation, they added deeper thunder to its tones. Instead of inspiring the friends of the administration with greater confidence, their presence convinced them that its lawless acts would find little support from the bayonets of "citizen soldiers." Instead of reposing that confidence in the soldiery, which a commander in chief should feel, Governor Ritner did not, and, as he asserts, dared not review them. So gross were the contemplated outrages of his administration, that he distrusted the fidelity of the battalions he had called around him, to enforce them. In this desperate state of affairs, he dismissed the military forces, and abandoned to his fate, by nine patriotic members of the legislature, he and his confidential advisers, were hurled headlong down the precipice, to the verge of which they had dragged the republic. Now lie they low, and "none so poor as to do them reverence." Their frauds are detected, their schemes frustrated and their treason rebuked. *Let impartial justice mete out to them, the reward due to their crimes.*

The conspiracy of Cataline the traitor stands no longer alone. His corruptions, deep and damning as they were, sink into insignificance, when compared with those of his Pennsylvania rivals.

It becomes our unpleasant duty to notice and refute the following state-

ment made by the governor in his late message to the legislature. After asserting that the people assembled at Harrisburg, whom he denominates a "mob," and a body of "rioters," had committed various outrages, he proceeds to say :

"In the mean time a body called a "Committee of Safety" had been appointed by the rioters, and seemed to exercise unlimited control over them. They made the most inflammatory appeals to the citizens of the State at a distance, and when a small guard had been placed by the keeper, and by my orders, in the Arsenal, to prevent the public arms from falling into the hands of rash or ill-disposed persons, they were compelled to evacuate the building under terms dictated by the mob with the concurrence of the Committee of Safety. During the occurrence of these disgraceful events neither branch of the Legislature could hold a regular Session, the Executive Chamber and State Department were closed, and confusion and alarm pervaded the Seat of Government."

In this paragraph, the Governor, without intending it, has paid to the committee of safety a compliment of the most honorable kind. If it was in fact true, as alleged, that the committee of safety "exercised unlimited control" over the rioters, then that "control" was peaceful, judicious, and salutary, for not an outrage was perpetrated, nor a single act of violence done, in the capitol, by any person after the appointment of the committee of safety. This fact is a source of honest pride to us, not because the committee of safety exerted the "unlimited control" spoken of by the Governor, but because it proves that the people here assembled, were men who respected the laws—who loved peace and order, and were not the lawless band of "desperadoes" they are declared to be by Governor Ritner.

It is not true, as stated by the governor, that we have made the most "inflammatory appeals" to the citizens of the state at a distance. We confidently appeal to the people of this commonwealth, for the refutation of the governor's charge. Read our addresses—consider the circumstances under which they were issued—recollect that a thousand armed soldiers were quartered at the seat of government—that their cannon were planted within musket shot of the capitol—that they insolently stopped and searched representatives of the people, as they were passing along the public foot walk to the hall of the people—recollect the public denunciations of the Governor, Mr. Stevers, and other members of the cabinet, that we were "mob," "rebels," &c. &c. together with the fact that the most audacious invasions of the constitution and laws in the legislature, were sanctioned by the Governor—and then say our appeals were "inflammatory," or improper, if you can. We made no "inflammatory appeals" to the "feelings of the people." We simply stated the facts—and called upon them to decide what should be done for the preservation of their freedom.

We appealed to the judgment of the freemen of Pennsylvania—calmly, fearlessly and firmly made our appeals, and they were answered in a spirit becoming the citizens of this great State. We scorned to make "inflammatory appeals" to unworthy passions, for the TRUTH was on our side, and we relied upon that alone for our triumph. That reliance, thank God! has gloriously sustained us, and covered the Governor and his confederates with eternal defeat, shame and dishonor.

As to the interference with the keepers of the arsenal, we pursued the

course dictated by duty, and a sincere respect for the laws, and we feel the happy consciousness, that our interposition is approved by all good citizens. It is proper to add, that the friends of the Governor have publicly denied, that they entered into terms at all with the committee of safety. We leave them and the Governor to settle the dispute among themselves.

The grave allegation of the Governor that during the occurrence of these events, "neither branch of the legislature could hold a regular session, and the Executive chamber and State departments were closed," is conclusively disproved, by reference to the Journal of the House of Representatives—which has met daily—while so far as the Senate, Governor, and Secretary of State were concerned, if they did not meet or attend in their respective offices, it was owing to a cowardly desertion of their posts, without the slightest cause to justify it—save their own groundless apprehensions. How much the admonitions of their consciences contributed to alarm them, is not for us to decide. This account they must settle with the people, whose laws and constitution they have violated, and with that God "who trieth the just and the unjust," whose solemn injunctions they have despised and set at naught.

On reviewing the trying scenes, through which we have passed, we find abundant reason for rejoicing in the evidence afforded by these events, that the people of this favored State are entirely capable of self-government. Called into existence, in the midst of perils, plots and dangers, which would have overthrown any other government on earth, the committee of safety, has witnessed the rescue of the public liberty from all these impending evils, without its suffering the least abridgment—without a single outrage being perpetrated, which produced the destruction of a dollars worth of property, or the shedding of a drop of blood.

The crisis is over; peace and safety are restored. Let history record the transactions of these times, as a beacon light and an example for posterity. Let us hope that the stern lessons we have learned during the last three years, may not have been dearly purchased, if they impress upon the people this great wholesome truth, that honesty, ability, and a sincere devotion to the fundamental principles of democracy, are the first, the last, the *only qualifications* that should entitle these men, in whose hands, the faithful execution of the laws is placed—to their confidence and support. Without these sterling qualifications, our rulers must be weak tools or dangerous knaves, but gifted with them, they would spurn from their counsels, unworthy advisers, who dare suggest the practice of such monstrous frauds, and usurpations, as seem to have found especial favor in the eyes of our present executive.

Signed by the Committee of Safety.

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The Intelligencer having stated that Judge Blythe had "declared that the course of the Secretary had been precisely what his own course would have been under the circumstances, and the only course proper under the laws," the Judge was called upon by several individuals and stated to all of them, the same as is set forth in the annexed statement of Mr. Kidder. We heard him state the same ourselves.

## JUDGE BLYTHE.

To the Editors of the *Keystone* :

The federalists having industriously circulated that Judge Blythe had publicly sanctioned their high-handed assumptions of power; I was induced to call on him personally and ascertain what grounds there were for the opposition thus to make use of his distinguished name to sustain their proceedings, and without hesitation he authorizes me to state, that he never expressed an opinion that the Secretary of the Commonwealth, in withholding the returns of the election from the county of Philadelphia, had pursued a legal and proper course, and the statement of the "Intelligencer" of this date in reference to his opinion was entirely unauthorized by him, and not in accordance with the fact, that on the contrary he has expressed no opinion on the subject of existing difficulties, and has on no occasion addressed the crowd of the people now assembled at Harrisburg.

L. KIDDER.

Buehler's Hotel, Dec. 7, 1838.

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TO THE ELECTORS

*Of the district composed of the counties of Union, Juniata and Mifflin.*

FELLOW CITIZENS :

I have been in a deplorable situation for eight or ten days past. I was elected your representative; as such I am bound faithfully to discharge my duty to you, to myself, to God, and my country. You are already informed that there were two Speakers elected on the 4th instant, in the House of Representatives. With the information I had, and the advice of the friends in whom I confided, I was induced here to act with the party who profess the same principles with those of my constituents who nominated and elected me. But full information, cool and deliberate reflection, and the warnings of my conscience have convinced me that my party friends here have mistaken their course, and that as a faithful representative, and an honest man, I was bound to retrace my steps, do what I conscientiously believed to be right, and trust to the impartiality of your judgment upon a full and fair examination of all the facts. Finding my political friends had done wrong, according to my judgment, I withdrew from them immediately, and have waited for several days to give them time to retrace their steps, and to allow all concerned to arrange peaceably and justly, the unhappy differences that had arisen; but finding this has not been accomplished, I have nothing left for me but to do that which I believe to be right, and leave to those who would destroy our beloved state the consequences of their rashness.

Do not think I have acted rashly. The step I have taken was taken deliberately and coolly, and in obedience to my understanding of the constitution and laws of our dear country. I am for peace. "Es wird meiner seele lange zu wohnen bey denen die den frieden hessen" And I hope the course I have taken may help to save our beloved Pennsylvania from bloodshed and the horrors of a civil war. The great question

is, whether the majority shall rule, and upon this question I know you all think with me. Now all I have done has been done with an honest desire to carry out this great principle in our free government, that the minority must yield to the majority. And I am certain not one of you, however strong a party man he may be, will blame me for maintaining this principle. My constituents, particularly in Union county, and all know me, and I beg of them all, before they condemn me, fully and coolly to examine all the facts. I have not, in this instance, acted as a party man, but I have acted honestly, and according to my conscience.

In joining with my party friends in organizing the House of Representatives with the eight Philadelphia county members of the whig party, I thought these had been elected by a majority of the votes of the county, and had been returned by a majority of the judges, but I soon found that this was not true, and that the eight members of the opposition party from the county of Philadelphia, had been elected by a majority of about five hundred votes in the whole county, and had been returned elected by a majority of the judges.

I am sorry to say, that the Secretary of the State kept back these returns, which was wrong. Under these circumstances I could not continue to act with men who had no right to their seats, no more than my opponent had to mine. You would not as honest men ask me to sanction so bad a principle, and it is that I know your honesty that I have joined those who have been fairly elected by the majority. My party opinions and principles have not changed, and my future course will show that I am true to those principles. On your calm judgment I rely. What I have done has been done for what I believe to be your interest, and is approved by my conscience. I remain your friend,

JOHN MONTELIUS.

*Hall of H. of Representatives, Dec. 17, 1838.*

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From the Harrisburg Chronicle.

## TO THE FRIENDS OF JOSEPH RITNER.

### FELLOW CITIZENS:

The general election has resulted in a manner contrary to all our reasonable calculations and just expectations, the opponent of our candidate for the office of Governor appears to be elected by at least 5,000 of majority. This is an event to which, if it had been fairly produced, we as good citizens would quietly, if not cheerfully, submit. But there is such a strong probability of malpractice and fraud in the whole transaction, that it is our duty peacefully to resist it and fully to expose it.

The election has been characterized by features altogether unparalleled in the history of our State politics. A few of those of a more general nature may be here instanced.

When the returns from all the counties shall be received, it will probably be found that the whole vote given for Joseph Ritner on the 9th instant is greater than that which he received in 1835, by a number at least equal to the natural regular and legal increase of votes in the whole three years. It will also be found that his friends in nearly every county

polled as many votes as they, before the election, expected to do, upon the strength of which expectation a reasonable estimate gave him a majority of 10,000 votes. The grave question then arises, whence came the majorities returned for his opponent? and how *can he be defeated* who has so well sustained himself with the people, and so largely increased his vote?

It will be discovered that in the districts in which the friends of Joseph Ritner had the control of the elections, a moderate increase of votes for him, arising from sufficient and well known causes, took place; while in the same districts his opponents had fair play, and polled their full number of legal votes. On the other hand, it is known to all, that in the districts in which the inspectors and judges were the friends of Mr. Porter, not only were the friends of Joseph Ritner in many cases wholly excluded from voting, but his opponents admitted without shadow of right, thus swelling the majorities of Mr. Porter, even beyond the wild expectations and extravagant calculations of his own friends. Is it right that this state of things, (the existence of which each voter will determine by facts known to himself,) should be submitted to in a free country?

Finally, it is known, that in several counties, in which our opponents had the control, the votes of whole districts, favorable to our candidate, were, without shadow of law or justice, wholly rejected, and false and partial returns made. Can there be safety under republican institutions, if such high-handed oppression be tolerated? No, we owe it to ourselves as freemen and good citizens, to examine into this matter, and if fraud be detected, to expose and resist it. We owe it to our country and posterity.

On behalf, therefore, of the State Committee of Correspondence and Vigilance, the propriety is suggested of taking measures *at once*, for investigating the manner in which the election was conducted, and the result produced. *Now* is the time to make the examination, while the facts are fresh and the outrage recent. Let it be done then peacefully, determinedly, and thoroughly. But let it be commenced with an honest resolution to submit to the result, whether it be favorable or unfavorable to our wishes. This is the duty of all who contend for equal rights and the supremacy of the laws.

But, fellow citizens, until this investigation be fully made and fairly determined, **LET US TREAT THE ELECTION OF THE NINTH INSTANT AS IF WE HAD NOT BEEN DEFEATED, AND IN THAT ATTITUDE ABIDE THE RESULT.**

In the mean time, your State Committee will take all the proper measures on the occasion; and when the whole facts are known, and the returns received, will probably address you more at length.

THOMAS H. BURROWES,  
*Chairman St. Committee.*

Harrisburg, October 13, 1838.

**PENNSYLVANIA, SS.**

[L. S.] In the name and by the authority of the Commonwealth of Pennsylvania.

BY JOSEPH RITNER,

*Governor of the said Commonwealth.*

**A PROCLAMATION.**

**WHEREAS**, a lawless, infuriated, armed mob from the counties of Philadelphia, Lancaster, Adams, and other places, have assembled at the seat of Government, with the avowed object of disturbing, interrupting and over-awing the Legislature of this Commonwealth, and of preventing its proper organization and the peaceable and free discharge of its duties.

**AND WHEREAS**, The said mob have already on this day, entered the Senate Chamber, and in an outrageous and violent manner, by clamoring, shouting and threatening violence and death to some of the members of that body, and other officers of the Government; and finally by rushing within the bar of the Senate Chamber, in defiance of every effort to restrain them, compelled the Senate to suspend business.

**AND WHEREAS**, They still remain here in force, encouraged by a person who is an officer of the General Government, from Philadelphia, and are setting the law at open defiance, and rendering it unsafe for the Legislative bodies to assemble in the Capital.

**THEREFORE**, This is to call upon the civil authority to exert themselves to restore order, to the utmost of their power, and upon the militia force of the Commonwealth, to hold themselves in instant readiness to repair to the seat of Government; and upon all good citizens to aid in curbing this lawless mob, and re-instating the supremacy of the law.

Given under my hand and the Great Seal of the State at Harrisburg, this fourth day of December, in the year of our Lord, one thousand eight hundred and thirty-eight and of the Commonwealth the sixty-third.

By the Governor:

THO. H. BURROWES,

Secretary of the Commonwealth.

HEAD QUARTERS, 1st DIVISION, P. M.

Philadelphia, Dec. 7, 1838.

The Governor of the Commonwealth in his character of Commander-in-Chief, having issued his order, according to the Constitution and Laws, requiring me forthwith to call out from my command, and immediately march to the seat of Government, a force sufficient to quell an insurrection, which he "has been informed has been raised by a body of men, who invaded the Senate Chamber on the fourth instant, during the session of that body, and by lawless violence and threats of personal injury to the members and bloodshed, disturbed the Senate and prevented it from proceeding with its deliberations, and compelled the members to disperse; and further that the same body of men have organized themselves and resolved to compel the Senate to adopt their will as their rule of action."



Now, in compliance with the said requisition, the volunteers of the first division will assemble in winter uniform, with knapsacks, provided with thirteen rounds of buckshot cartridge, and seven rounds of ball cartridge, in Broad street, south of Market street, to-morrow (Saturday) at seven o'clock, A. M. precisely.

The Major General need make no other appeal to the patriotism of the volunteers of the division, than to remind them, that it is the highest privilege, as it is one of the most important duties, of the citizen soldier to sustain the civil authority whenever the emergency occurs which renders necessary a resort to armed force.

The spirit of order and a sacred regard for the regular action of the laws, under which alone can our liberties be preserved, demand that the spirit of misrule, must be instantly, energetically and effectually suppressed.

Brigadier General Goodwin and Prevost will take immediate measures within their respective Brigades to carry this order into full effect.

The officers of the Rail Road have been required to aid with the means of transportation.

By command of Major General R. Patterson.

JOHN MILES,  
Aid-de-camp,

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From the Harrisburg Chronicle.

"THE COUNTY MEMBERS.—The Loco Focos are most dreadfully alarmed about the members from the county of Philadelphia, seeing that they cannot frighten the democrats out of their rights, by threats of fraud or violence. The Keystone and Reporter both flounder dreadfully; but it wont do; THE DEMOCRATIC [Federal] MEMBERS FROM THE COUNTY OF PHILADELPHIA WILL HAVE THEIR SEATS—PEACEABLY, IF POSSIBLE—BUT FORCIBLY, IF OTHERWISE. No threats of violence can intimidate. They will maintain their rights as democrats, as patriots, as free, independent and HEROIC MEN; they will defend themselves and that which belongs to them, at ALL HAZARDS. And as for the threat that they will be ousted out of their seats by the commission of a fraud on the part of the Clerk, it is perfectly ridiculous. If such a thing is attempted, it will be RESENTED with a spirit that will make Loco Focoism and its hired instruments of rascality, regret it AS LONG AS THEY LIVE.

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